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WHO: The Office of the Federal Register.

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FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Docket No. R-0751]

Rescission of Policy Statement Requiring Application for Relocation of a Subsidiary Bank to Another State

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Interpretation; Rescission of Policy Statement.

SUMMARY: The Board has rescinded its policy statement requiring applications for relocations of a subsidiary bank to another state. 12 CFR 225.144. Accordingly, the Board has determined not to require the filing of an application for Board approval under the Bank Holding Company Act ("BHC Act") for bank relocations except in situations in which the Board has found an evasion of the BHC Act.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Scott G. Alvarez, Associate General Counsel, Legal Division (202) 452-3583, or Anne R. Wolfson, Attorney, Legal Division (202) 452-2246. For the hearing impaired only, Telecommunications Device for the Deaf (TDD), Dorothea Thompson (202) 452-3544, Board of Governors of the Federal Reserve System, Washington, DC 20551.

SUPPLEMENTARY INFORMATION: In 1985, the Board issued a policy statement regarding the relocation of banks owned by bank holding companies. 50 FR 83913 (1985). That policy statement was issued in response to a petition requesting that the Board review a proposal by a subsidiary national bank of Mark Twain Bancshares, Independence, Missouri, to relocate from Missouri to Kansas, pursuant to section 30 of the National Bank Act. The policy statement explains that the Board believed that the constraint imposed by the Douglas Amendment to the BHC Act on the Board's authority to approve the bank acquisition proposals similarly constrained a bank holding company's authority to retain control of a bank. The Douglas Amendment provides that the Board may not approve an application to acquire control of a bank outside of the applicant holding company's home state, unless the acquisition is specifically authorized by the state where the bank to be acquired is located. 12 U.S.C. 1842(d). In the policy statement the Board stated that its approval of an acquisition of a bank is necessarily subject to the condition that the bank remain located in the state specified to the Board in the application by the bank holding company to acquire the bank. Consequently, a change in location of the bank outside of the bank holding company's home state constituted a material change in an essential predicate of the Board's approval of the acquisition of the bank. This material change required prior Board approval under the BHC Act and the Douglas Amendment.

On this basis, the Board in 1989 reviewed and approved an application by SouthTrust Corporation, Birmingham, Alabama, to retain a subsidiary national bank of SouthTrust Corporation after its relocation from Alabama to Georgia. The SouthTrust relocation was recently reviewed by the U.S. Court of Appeals for the District of Columbia Circuit. *Synovus Financial Corporation* v. *Board of Governors of the Federal Reserve System*, No. 89-1394 (D.C. Cir. Dec. 20, 1991), *petition for reh'g pending*. In that case, the Court held that the Board did not have jurisdiction under the BHC Act to review the relocation proposed by SouthTrust. The Court reasoned that the relocation of a national bank did not represent "an acquisition" that was subject to the requirements of the BHC Act and that a condition restricting the location of the bank was not imposed by the Douglas Amendment where the relocation was permitted under the terms of section 30 of the National Bank Act. The U.S. District Court for the Eastern District of Pennsylvania had reached a similar conclusion in an earlier lawsuit against the Comptroller of the Currency that has since become moot. *See McEnteer* v. *Clarke*, 644 F. Supp. 290 (E.D. Pa. 1986).

The Board has reconsidered its policy statement in light of these court decisions, and has determined not to require the filing of an application for Board approval under the BHC Act for the relocation of a national bank owned by a bank holding company except in situations in which the Board has found an evasion of the BHC Act. Accordingly, the Board has determined to rescind its policy statement regarding national bank relocations.

Regulatory Flexibility Act Analysis

The action would apply equally to entities of all sizes, and does not have particular effect on small entities. Accordingly, pursuant to section 605(b) of the Regulatory Flexibility Act (Pub. L. 96-354, 5 U.S.C. 601 *et seq.*), the Board believes that the interpretation will not have a significant economic impact on a substantial number of small entities.

Public Comment

The provisions of section 553 of title 5, United States Code, relating to notice, public participation, and deferred effective date have not been followed in connection with this action, because it represents the announcement of a Board policy that was not subject to these requirements. In addition, the change in policy relieves a previous restriction, and is not subject to the requirements of section 553. The Board's expanded rule making procedures have not been followed for the same reason.

List of Subjects in 12 CFR Part 225

Administrative practice and procedure, Appraisals, Banks, Banking, Capital adequacy, Federal Reserve System, Holding Companies, Reporting and recordkeeping requirements, Securities, State member banks.

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL

1. The authority citation for Part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1831i, 1843(c)(8), 1844(b), 1972(l), 3106, 3108, 3907, 3909, 3310, and 3331-3351.

§ 225.144 [Removed]

2. 12 CFR 225.144 is removed.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 92-6354 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 91-CE-55-AD; Amendment 39-8210; AD 92-07-14]

Airworthiness Directives; Air Tractor Inc. AT-300 and AT-400 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that is applicable to certain Air Tractor Inc. AT-300 and AT-400 series airplanes. This action requires initial and repetitive inspections of the wing spar caps for corrosion and repair or replacement if found corroded. The Federal Aviation Administration (FAA) has received three reports of badly corroded wing spar caps on the affected airplanes. The actions specified by this AD are intended to prevent failure of the wing structure that could result in loss of control of the airplane.

DATES: Effective May 8, 1992.

The incorporation by reference of certain publications listed in the regulations is approved by the Director of the Federal Register as of May 8, 1992.

ADDRESSES: Service information that is applicable to this AD may be obtained from Air Tractor Inc., P.O. Box 485, Olney, Texas 76374; Telephone (817) 564-5616. This information may also be examined at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Bob D. May, Aerospace Engineer, Airplane Certification Office, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193-0150; Telephone (817) 624-5156.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations to include an AD that is applicable to certain Air Tractor Inc. AT-300 and AT-400 airplanes was published in the **Federal Register** on November 15, 1991 (56 FR 57994). The action proposed initial and repetitive visual inspections of the wing spar caps for corrosion, and, if corrosion is found, repair of the corroded spar cap in accordance with the instructions in Air Tractor Inc. Service Letter No. 90, dated May 6, 1991, or replacement of the corroded spar cap in accordance with the applicable maintenance manual as defined in the referenced service letter.

Interested persons have been afforded an opportunity to participate in the making of this amendment. No comments were received on the proposed rule or the FAA's determination of the cost to the public. After careful review, the FAA has determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. The FAA has determined that these minor corrections will not change the meaning of the AD nor add any additional burden upon the public than was already proposed.

The compliance time of this AD is presented in calendar time instead of hours time-in-service based on the FAA's determination that corrosion can occur on the wing spar caps of the affected airplane regardless of the amount of hours an airplane is in service. Moisture can become entrapped in the wing spar cap and corrosion can form over time.

The FAA estimates that 600 airplanes in the U.S. registry will be affected by this AD, that it will take approximately 2 hours per airplane to accomplish the required action, and that the average labor rate is approximately $55 an hour. Based on these figures, the total cost impact of the AD on U.S. operators is estimated to be $66,000.

The regulations adopted herein will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with Executive Order 12612, it is determined that this final rule does not have sufficient federalism imlications to warrant the preparation of a Federalism Assessment.

For the reasons discussed above, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "**ADDRESSES**".

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends 14 CFR part 39 of the Federal Aviation Regulations as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g); and 14 CFR 11.89.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new AD:

92-07-14 Air Tractor Inc: Amendment 39-8210; Docket No. 91-CE-55-AD.

Applicability: Models AT-300, AT-301, and AT-302 airplanes (serial numbers (S/N) 300-0001 through 301-0688); Model AT-400 airplanes (S/N) 400-0244 through 400-0415; and Model AT-400A airplanes (all S/N), certificated in any category.

Compliance: Required within the next 90 calendar days after the effective date of this AD, unless already accomplished, and thereafter at intervals not to exceed 12 calendar months.

To prevent failure of the wing structure that could result in loss of control of the airplane, accomplish the following:

(a) Remove the inspection plates on the lower side of the wing leading edge skin, and visually inspect the upper and lower aluminum spar caps from the centerline to outboard end for corrosion using a flashlight and mirror.

(1) If corrosion is found that is equal to or less than the criteria in Air Tractor Inc. Service Letter No. 90, dated May 6, 1991, prior to further flight, repair in accordance with the instructions in Air Tractor Inc. Service Letter No. 90, dated May 6, 1991.

(2) If corrosion is found that is more than the criteria in Air Tractor Inc. Service Letter No. 90, dated May 6, 1991, prior to further flight, replace the wing spar cap in accordance with the applicable maintenance manual.

(b) Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate the airplane to a location where the requirements of this AD can be accomplished.

(c) An alternative method of compliance or adjustment of the initial or repetitive compliance times that provides an equivalent level of safety may be approved by the Manager, Airplane Certification Office, FAA, Southwest Region, 4400 Blue Mound Road, Fort Worth, Texas 76193. The request should be forwarded through an appropriate FAA

Maintenance Inspector, who may add comments and then send it to the Manager, Fort Worth Airplane Certification Office.

(d) The inspections and possible repair required by this AD shall be done in accordance with Air Tractor Inc. Service Letter No. 90, dated May 6, 1991. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies may be obtained from Air Tractor Inc., P.O. Box 485, Olney, Texas 76374–0150. Copies may be inspected at the FAA, Central Region, Office of the Assistant Chief Counsel, room 1558, 601 E. 12th Street, Kansas City, Missouri, or at the Office of the Federal Register, 1100 L Street, NW; room 8401, Washington, DC.

(e) This amendment (39–8210) becomes effective on May 8, 1992.

Issued in Kansas City, Missouri, on March 13, 1992.

Barry D. Clements,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 92–6583 Filed 3–20–92; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Customs Service

19 CFR Part 12

[T.D. 92–28]

Extension of Import Restrictions on Pre-Hispanic Archaeological Artifacts From El Salvador

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Final rule.

SUMMARY: This document amends the Customs Regulations to reflect the extension of the import restrictions on pre-Hispanic archaeological objects from the Cara Sucia Archaeological Region of El Salvador which were imposed by T.D. 87–104. The Deputy Director of the United States Information Agency (USIA) has determined that the emergency conditions which originally warranted the imposition of import restrictions still exist. Accordingly, the restrictions will continue to be in effect for an additional three years, and the Customs Regulations are being amended to indicate this extension. This document also corrects a typographical error which appeared in the listing of Treasury Decision Numbers in the section.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Legal Aspects: John Atwood, Chief, Intellectual Property Rights Branch, (202) 566–6956.

Operational Aspects: Pamela Wenner, Trade Operations (202) 535–4931.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to the provisions of the Convention on Cultural Property Implementation Act, the Deputy Director of the United States Information Agency (USIA), after consultation with the Secretaries of State and Treasury, determined that significant pre-Hispanic cultural artifacts from the Cara Sucia Archaeological Region of El Salvador were in danger of pillage and looting, and that an emergency condition existed which warranted the imposition of a prohibition on the importation of such articles into the United States. In T.D. 87–104, the Customs Service announced the imposition of import restrictions and identified the types of articles covered by the restrictions.

The Deputy Director of the USIA has considered the recommendations of the Cultural Property Advisory Committee and determined that the emergency conditions which warranted imposition of the initial restrictions still exist and has decided to extend the import restrictions for another three years. (See 57 FR 8792, March 12, 1992)

Accordingly, Customs is amending § 12.104g (19 CFR 12.104g) to reflect the extension of the import restriction. This amendment is also being used to correct a typographical error which misidentifies the T.D. which set forth the original restrictions on the pre-Hispanic El Salvadorian artifacts. The T.D. had been identified as being 87–10. The correct number is 87–104.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12291

Because this document does not result in a "major rule" as defined by Executive Order 12291, the regulatory analysis and review prescribed by the Executive Order is not required.

Inapplicability of Notice and Delayed Effective Date

Because this amendment reflects the extension of emergency import restrictions on cultural property which is currently subject to pillage and looting, pursuant to section 553(b)(B) and 553(a)(1) of the Administrative Procedure Act, no notice of proposed rulemaking or public procedure is required or necessary. For the same reason, a delayed effective date is both impracticable and contrary to the public interest.

Drafting Information

The principal author of this amendment was Peter T. Lynch, Regulations and Disclosure Law Branch, Office of Regulations and Rulings, U.S. Customs Service. However, personnel from other offices participated in its development.

List of Subjects in 19 CFR Part 12

Customs duties and inspections, Imports, Cultural property.

Amendment to the Regulations

Accordingly, part 12 of the Customs Regulations (19 CFR part 12) is amended as set forth below:

PART 12—SPECIAL CLASSES OF MERCHANDISE

1. The general and specific authority citation for part 12 continues to read as follows:

Authority: 5 U.S.C. 301, 19 U.S.C. 66, 1202 (General note 8, Harmonized Tariff Schedule of the United States (HTSUS)), 1624.

* * * * *

Sections 12.104–12.104i also issued under 19 U.S.C. 2612.

§ 12.104 [Amended]

2. Section 12.104g is amended by removing "T.D. 87–10" from the column headed "T.D. No." adjacent to the entry for El Salvador, and adding "87–104, extended by 92–28" in its place.

Approved: March 18, 1992.

Carol Hallett,

Commissioner of Customs.

Peter K. Nunez,

Assistant Secretary of Treasury.

[FR Doc. 92–6658 Filed 3–20–92; 8:45 am]

BILLING CODE 4820–02–M

Internal Revenue Service

26 CFR Part 301

[T.D. 8403]

RIN 1545–AN14

Taxpayer Assistance Orders

AGENCY: Internal Revenue Service, Treasury.

ACTION: Final regulations.

SUMMARY: This document contains final regulations relating to the issuance of taxpayer assistance orders. The Technical and Miscellaneous Revenue Act of 1988 added new section 7811 to the Internal Revenue Code of 1986 (Code). The regulations provide

guidance concerning the procedures for filing an application for a taxpayer assistance order, the terms of such order, and the effect of such an order on applicable statutes of limitations.

EFFECTIVE DATE: These regulations are effective on March 20, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph W. Clark, (202) 566–4574 (not a toll-free call).

SUPPLEMENTARY INFORMATION:

Background

This document contains final regulations amending the Procedure and Administrative Regulations (26 CFR part 301) under section 7811 of the Internal Revenue Code. The regulations reflect the addition of section 7811 to the Internal Revenue Code by section 6230 of the Technical and Miscellaneous Revenue Act of 1988 (Pub. L. 100–647).

Section 7811 provides that upon application filed by a taxpayer or the taxpayer's duly authorized representative, the Ombudsman's office may issue a taxpayer assistance order if it determines that the taxpayer is suffering or is about to suffer a "significant hardship" as a result of the manner in which the Service is administering the internal revenue laws. The Internal Revenue Service published temporary regulations and a notice of proposed rulemaking in the **Federal Register** March 22, 1989 (54 FR 11699), providing rules under section 7811 of the Code. Several parties submitted written comments concerning the regulations. Some of the comments are discussed below. The final regulations adopt the rules contained in the notice of proposed rulemaking with some minor modifications. Most of the issues raised in the public comments either had been considered prior to publication of the temporary regulations or fall outside the scope of the regulations. A few of the comments were adopted in the final regulations.

Explanation of Provisions

The terms of a taxpayer assistance order may require the Service to release levied property, or to stop any action or refrain from taking any action with respect to the taxpayer regarding collection, the immediate assessment of deficiencies in bankruptcies and receiverships, the issuance of administrative summonses and the discovery of liability, or any other provision in the Internal Revenue Code that is specifically described by the Ombudsman in the order. To the extent authorized by Internal Revenue Service delegation orders, the authority exercisable by the Ombudsman under section 7811 may be exercised by Problem Resolution Officers in regional and district offices and at service and compliance centers. The taxpayer assistance order may be modified or rescinded only by the Ombudsman, a district director, a service center director, a compliance center director, a regional director of appeals, or the superior of those officials.

An application for a taxpayer assistance order may be filed by the taxpayer or the taxpayer's duly authorized representative. At the request of one commenter, enrolled agents have been added to the list of authorized taxpayer representatives. In general, any attorney, certified public accountant, enrolled actuary or enrolled agent may now act as a taxpayer's representative.

The temporary regulations contained a relatively lengthy definition of "significant hardship." The final regulations define significant hardship simply as a serious privation of the taxpayer and emphasize that mere economic or personal inconvenience to the taxpayer does not constitute a significant hardship. In response to several commenters, the definition of significant hardship no longer implies that financial hardship must be present. In response to the Ombudsman's office, the definition of significant hardship no longer provides that financial hardship alone is not sufficient to meet the definition. The experience acquired by the Ombudsman's office over the term of the temporary regulation demonstrates a need to provide relief from hardships that are not strictly financial. An example would be a "cooling off" period where contacts between the taxpayer and the Service have become strained. After defining a significant hardship, the final regulations separately provides that in deciding whether the significant hardship (which must result from the manner in which the internal revenue laws are being administered) merits relief pursuant to section 7811, it is necessary to consider the behavior of the taxpayer and the action or inaction of the Service that causes or is about to cause the significant hardship to the taxpayer.

The final regulations specify that taxpayer assistance orders can require the Service to release levied property in limited situations in which the Service is legally authorized to release such property. For example, in the absence of an overpayment the Service is not authorized to release sums that have been credited against the taxpayer's liability and deposited into the United States Treasury. On the other hand, since bank levies are subject to a 21-day freeze before they are honored under section 6332(c), and since in most cases more than 21 days will pass before the government sells seized property other than money, there are a number of instances in which the taxpayer assistance orders may be used to effect the return of levied money and property of the taxpayer.

The final regulations provide for the suspension of applicable statutes of limitations from the date the Ombudsman receives the application until the later of the date on which the Ombudsman makes a decision with respect to the application or the date on which an authorized official completes his or her review of the Ombudsman's decision to issue a taxpayer assistance order. The statute of limitations also is suspended for any additional period specified by the Ombudsman in the taxpayer assistance order. However, if the Ombudsman issues a taxpayer assistance order in the absence of a written application by the taxpayer, the statute of limitations is not automatically suspended.

The final regulations should not be construed as restricting or otherwise limiting taxpayer assistance practices of Problem Resolution Offices pursuant to existing delegation orders and Internal Revenue Manual provisions.

Special Analyses

It has been determined that these regulations are not major rules as defined in Executive Order 12291. Therefore, a Regulatory Impact Analysis is not required. It has also been determined that section 553(b) of the Administration Procedure Act (5 U.S.C. chapter 5) and the Regulatory Flexibility Act (5 U.S.C. chapter 6) do not apply to these regulations, and, therefore, a final Regulatory Flexibility Analysis is not required. Pursuant to section 7805(f) of the Internal Revenue Code, the notice of proposed rulemaking was submitted to the Small Business Administration for comment on their impact on small business.

Drafting Information

The principal author of these regulations is Joseph W. Clark of the General Litigation Division of the Office of Chief Counsel, Internal Revenue Service. However, personnel from other offices of the Internal Revenue Service and Treasury Department participated in developing the regulations on matters of both substance and style.

List of Subjects in 26 CFR Part 301

Administrative practice and procedure, Alimony, Bankruptcy, Child

support, Continental Shelf, Courts, Crime, Employment taxes, Estate taxes, Excise taxes, Gift taxes, Income taxes, Investigations, Law enforcement, Oil pollution, Penalties, Pensions, Reporting and recordkeeping requirements, Statistics, Taxes.

Adoption of Addition to the Regulations

Accordingly, title 26, part 301 of the Code of Federal Regulations is amended as follows:

PART 301—[AMENDED]

Paragraph 1. The authority citation for part 301 continues to read in part:

Authority: Sec. 7805, I.R.C. 1954; 68A Stat. 917; 26 U.S.C. 7805 * * *

§ 301.7811–1T [Redesignated as § 301.7811–1]

Par. 2. Section 301.7811–1T is redesignated as § 301.7811–1, and the word "(temporary)" is removed from the section heading.

§ 301.7811–1 [Amended]

Par. 3. Newly designated § 301.7811–1 is amended as follows:

1. Paragraph (a)(1) is amended by removing the period from the end of the paragraph and adding the language ", including action or inaction on the part of the Internal Revenue Service."

2. Paragraph (a)(3) is amended by adding the words "enrolled agent," after the language "certified public accountant."

3. Paragraph (a)(4)(ii) is revised as set forth below.

4. Paragraph (a)(5) is added as set forth below.

5. Paragraph (c)(1) is amended by removing the word "determination" in the first sentence and adding the word "deciding" in its place.

6. Paragraph (c)(3) is amended by removing the word "may" in the last sentence and substituting the word "will" in its place.

7. Paragraph (e)(2) is amended by removing the word "determination" in the paragraph heading and in the text of the paragraph in each place it occurs, and adding the word "decision" in each place where "determination" was removed in the text of the paragraph and the heading.

8. Paragraph (h) is revised to read as set forth below.

§ 301.7811–1 Taxpayer Assistance Orders

(a) * * *

(4) * * *

(ii) *Term Defined.* The term *significant hardship* means a serious privation caused or about to be caused to the taxpayer as the result of the particular manner in which the revenue laws are being administered by the Internal Revenue Service. Mere economic or personal inconvenience to the taxpayer does not constitute significant hardship.

(5) *Finding different from relief.* A finding that a taxpayer is suffering or about to suffer a significant hardship as a result of the manner in which the internal revenue laws are being administered by the Internal Revnue Service will not automatically result in relief being granted to a taxpayer under this section. A finding of "significant hardship" is separate and distinct from a determination that the taxpayer will be granted relief. The granting of relief requires an examination of the behavior of the taxpayer and of the action or inaction of the Internal Revenue Service that causes or is about to cause the significant hardship to the taxpayer.

* * * * *

(h) *Effective Date.* These regulations are effective as of March 20, 1992.

Approved: March 10, 1992.

Shirley D. Peterson,

Commissioner of Internal Revenue.

Fred T. Golberg, Jr.,

Assistant Secretary of the Treasury.

[FR Doc. 92–6598 Filed 3–20–92; 8:45 am]

BILLING CODE 4830–01–M

NATIONAL LABOR RELATIONS BOARD

29 CFR Part 102

Procedural Rules; Correction

AGENCY: National Labor Relations Board.

ACTION: Final rules; Correction.

SUMMARY: On February 4, 1992, the National Labor Relations Board published at 57 FR 4157 revisions to its rules which, *inter alia*, modified § 102.111 (a) and (b) to incorporate references to a new appendix A to part 102. By stating in amendatory instruction 2 that "Section 102.111 is revised to read as follows:" we inadvertently deleted paragraph (c) from § 102.111. We now wish to modify amendatory instruction 2 to reflect our intention not to delete paragraph (c) from this section.

EFFECTIVE DATE: February 4, 1992.

FOR FURTHER INFORMATION CONTACT: John C. Truesdale, Executive Secretary, 1717 Pennsylvania Avenue, NW., room 701, Washington, DC 20570, Telephone: (202) 254–9430.

§ 102.111 [Corrected]

Accordingly, in the rule published at 57 FR 4157, February 4, 1992, amendatory instruction 2 is corrected to read as follows:

"2. Section 102.111 is amended by revising paragraphs (a) and (b) to read as follows:"

Dated: Washington, DC, March 18, 1992.

By direction of the Board.

John C. Truesdale,

Executive Secretary, National Labor Relations Board.

[FR Doc. 92–6681 Filed 3–20–92; 8:45 am]

BILLING CODE 7545–01–M

POSTAL SERVICE

39 CFR Part 20

Implementation of Changes in Express Mail International Olympic Service

AGENCY: Postal Service.

ACTION: Temporary rule.

SUMMARY: The Postal Service is changing the qualifying requirements for Express Mail International Olympic Service to make the service available to organizations affiliated with the United States Olympic Committee, such as the national sports governing bodies, and their agents.

EFFECTIVE DATE: 12:01 a.m., March 18, 1992.

FOR FURTHER INFORMATION CONTACT: Rainer Hengst, (202) 268–6095.

SUPPLEMENTARY INFORMATION: Express Mail International Olympic Service (Olympic Service) is a new type of Express Mail International Service (EMS) limited in terms of its availability, scope, and duration. The Postal Service is offering Olympic Service, on a temporary basis, from January 29, 1992, through August 31, 1992. Olympic Service is available only for EMS shipments weighing more than two pounds sent to addresses within France, Switzerland, and Spain. At present, only the United States Olympic Committee, the Postal Service's fellow official Olympic corporate sponsors, and their agents can qualify to use the service.

The Postal Service has decided to change the qualifying requirements for Olympic Service to make the service also available to organizations affiliated with the United States Olympic Committee (affiliated Organizations), such as the national sports governing bodies, and their agents. Extending availability in this manner is consistent with the Postal Service's rationale for implementing the service. Each of the 42

Affiliated Organizations is responsible for organizing this country's Olympic efforts either in an individual sport or on a national basis. As is the case with the United States Olympic Committee and official Olympic corporate sponsors, the Affiliated Organizations can be expected to send Olympic-related mail to France, Switzerland, and Spain while Olympic Service is being offered.

The Postal Service is not making any other changes in Olympic Service at this time. Consequently, subject to the amendments set forth below, the existing temporary regulations will continue to apply to the service.

In setting international postage rates, the Postal Service must ensure that such rates (1) do not apportion the costs of the service so as to impair to overall value of the service to the users; (2) apportion the costs of all postal operations to all users on a fair and equitable basis; (3) are fair and reasonable; and (4) are not unduly or unreasonably discriminatory or preferential. The changes in Olympic Service announced herein satisfy these criteria.

The Postal Service adopts the following amendments to the International Mail Manual, which is incorporated by reference in the Code of Federal Regulations. See 39 CFR 20.1.

List of Subjects in 39 CFR Part 20

International postal service, Foreign relations.

PART 20—[AMENDED]

1. The authority citation for 39 CFR part 20 continues to read as follows:

Authority: 5 U.S.C. 552(a); 39 U.S.C. 401, 404, 407, 408.

2. Chapter 2 of the International Mail Manual is amended by amending section 215.1 to read as follows:

CHAPTER 2—CONDITIONS FOR MAILING

210 Express Mail International Service

* * * * *

215 OLYMPIC SERVICE

215.1 Description

215.11 General. Express Mail International Olympic Service is available only for items sent by or on behalf of (1) the United States Olympic Committee (USOC), (2) organizations affiliated with the USOC (Affiliated Organizations), such as the national sports governing bodies, and (3) companies that have been designated as official corporated sponsors of the 1992 Olympic Games by the USOC, for expedited services to all addresses located in France and Switzerland and to addresses in Spain as shown in the IMM Individual Country Listing for that country. Olympic Service items may be sent from any point in the United States agreed upon by the Postal Service and the mailer. There is no service guarantee for Olympic Service.

* * * * *

3. Chapter 2 of the International Mail Manual is amended by amending section 215.4 to read as follows:

215.4 Application for Olympic Service

215.42 Responsibilities of IAR. The IAR determines eligibility for Olympic Service by verifying (1) that the applicant is the USOC, an Affiliated Organization, an official Olympic sponsor, or an agent mailing on behalf of one of the foregoing; and (2) that the applicant's anticipated mailings meet the requirements for Olympic Service. The IAR is also responsible for transmitting the information provided by the applicant about anticipated mailings to the International & Military Mail Operations Division and for establishing the applicant's Express Mail corporate account.

* * * * *

These changes will be published in the next issue of the International Mail Manual.

Stanley F. Mires,

Assistant General Counsel, Legislative Division.

[FR Doc. 92-6582 Filed 3-20-92; 8:45 am]

BILLING CODE 7710-12-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 271

[FRL-4116-9]

New York: Final Authorization of State Hazardous Waste Program Revisions

AGENCY: Environmental Protection Agency.

ACTION: Immediate final rule.

SUMMARY: New York has applied for final authorization of revisions to its hazardous waste program under the Resource Conservation and Recovery Act (RCRA). The Environmental Protection Agency (EPA) has reviewed New York's application and has made a decision, subject to public review and comment, that New York's hazardous waste program revisions satisfy all of the requirements necessary to qualify for final authorization. Thus, EPA intends to approve New York's hazardous waste program revisions. New York's application for program revision is available for public review and comment.

DATES: Final authorization for New York shall be effective May 22, 1992 unless EPA publishes a prior **Federal Register** action withdrawing this immediate final rule. All comments on New York's program revision application must be received by the close of business April 22, 1992.

ADDRESSES: Copies of New York's program revision application are available during the business hours of 8 a.m. to 4:30 p.m. at the following addresses for inspection and copying: New York State Department of Environmental Conservation, 50 Wolf Road, room 204, Albany, New York 12233-7253, (518) 457-3273; U.S. EPA Library (PM 211A), 401 M Street, SW., Washington, DC 20460, 202/382-5926. U.S. EPA Region II Library, room 402, 26 Federal Plaza, New York, New York 10278, Phone (212) 264-2881. Written comments should be sent to: Mr. Conrad Simon, Director, Air and Waste Management Division, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-2301.

FOR FURTHER INFORMATION CONTACT: Mrs. Elizabeth E. Van Rabenswaay, Environmental Scientist; Hazardous Waste Programs Branch, Air & Waste Management Division, U.S. EPA, Region II, 26 Federal Plaza, New York, New York 10278, (212) 264-0548.

SUPPLEMENTARY INFORMATION:

A. Background

States with final authorization under section 3006(b) of the Resource Conservation and Recovery Act (RCRA or the Act), 42 U.S.C. 6926(b), have a continuing obligation to maintain a hazardous waste program that is equivalent to, consistent with, and no less stringent than the Federal hazardous waste program. In addition, as an interim measure, the Hazardous and Solid Waste Amendments of 1984 (Pub. L. 98-616, November 8, 1984, hereinafter HSWA) allows States to revise their programs to become equivalent to RCRA requirements promulgated under HSWA authority. Revisions to State hazardous waste programs are necessary when Federal and State statutory or regulatory authority is modified or when certain other changes occur. Most commonly, State program revisions are necessitated by changes to EPA's regulations in 40 CFR parts 260-266, 268, 124 and 270.

B. New York

New York initially received final authorization on May 29, 1986. New

York received authorization for revisions to its program on July 3, 1989, and May 7, 1990, and October 29, 1991. On September 25, 1991, New York submitted a program revision application for additional program approvals. Today, New York is seeking approval of its program revision in accordance with 40 CFR 271.21(b)(3).

In order to obtain Final Authorization, the State of New York has demonstrated and certified that its authority to regulate the following is equivalent to the federal RCRA authority, including the requirements promulgated under HSWA authority:

Provision	Federal authority	State authority
Standards for Hazardous Waste Storage and Treatment Tank Systems (51FR25422; 7/14/86).	RCRA Section 1006, 2002, 3001-3007, 3010, 3014, 3017-19, 7004; 40 CFR parts 260, 264, 265 and 270.	ECL Section 27-0907, 0911; 6NYCRR 370.2, 371.1, 372.2, 373-1, 373-2, 373-3.
Revised Manual SW-846 Amended Incorporation by Reference (52FR8072; 3/16/87).	RCRA Sections 2002, 3001; 40 CFR 260.11(a), 270.6(a).	ECL Section 27-0900; 6NYCRR § 370.1(e)(8).
Closure/Post-Closure Care for Interim Status Surface Impoundments (52FR8704; 3/19/87).	RCRA Section 3004, 3005; 40 CFR parts 260, 264, 265 and 270.	ECL Sections 27-0911, 0917, 0918; 6NYCRR part 370, 373-1, 373-3.11(f).
Amendments to Part B Info. Requirements for Land Disposal Facilities (52FR23447; 6/22/87).	RCRA Sections 3004, 3005; 40 CFR 270.14.	ECL Section 27-0907, 0911; 6NYCRR 373-1.5(a)(3)(vii), (viii)(e).
Hazardous Waste Misc. Units (52FR46946; 12/10/87)	RCRA Sections 3004(u), 3005; 40 CFR 141.31(a), parts 260, 264 § 264.90(d), 264.600, 264.603, 260.10, & 270.	ECL Section 27-0911; 6NYCRR Sections 373-2.6, 370.2, 373-2.2, 373-2.5, 373-2.7, 373-2.8, 373-1.5, 373-2.24.
Standards Applicable to Owners and Operators of Hazardous Waste TSDF's; Closure/Post-Closure and Financial Responsibility Requirements (53FR7740; 3/10/88).	RCRA Sections 3004, 3005; 40 CFR parts 260, 264, 265, 270.	ECL Sections 27-0911, 0918; 6NYCRR Part 370, 373-1, 373-2, 373-2.7, 373-2.8, 373-3.8, 373-3.7.
Identification & Listing of Haz. Waste; Treatability Studies Sample Exemption (53FR27290; 7/19/88).	RCRA Section 3001; 40 CFR 260.10, 261.4 (e) and (f).	ECL Section 27-0903; 6NYCRR Sections 370.2(b), 371.1(e)(4) (iv) and (v).
Hazardous Waste Management System; Standards for Haz. Waste Storage and Treatment Tank Systems (53FR34079; 9/2/88).	RCRA Sections 1006, 2002, 3001-3007, 3010, 3014, 3017-19, 7004; 40 CFR parts 260, 261, 262, 264, 265 and 270.	ECL Sections 27-0907, 0911; 6NYCRR 370.2, 373-1, 373-2.7, 373-2.10, 373-3.7, 373-3.10.
Identification & Listing of Haz. Waste; and Designation, Reportable Quantities; and Notification (53FR35412; 9/13/88).	RCRA Section 3001; 40 CFR 261.32	ECL Section 27-0903; 6NYCRR Section 371.4(c).
Permit Modifications for Hazardous Waste Management Facilities. (53FR37912; 9/28/88).	RCRA Sections 2002(a), 3004, 3005 & 3006; 40 CFR parts 124, 264, 265 & 270, 270.42.	ECL Section 27-0707, 0913; 6NYCRR 370, 373-1, 373-2, 373-3, 621.13 & 621.14.
Statistical Methods for Evaluating Groundwater Monitoring Data from Hazardous Waste Facilities (53FR39720; 10/11/88).	RCRA Sections 1006, 2002(a), 3004 & 3005; 40 CFR 264.91, 264.92, 264.97, 264.98 and 264.99.	ECL Sections 27-0703, 0911 6NYCRR Section 373-2.6 (b), (c), (h), (i), and (j).
Permit Modifications for Hazardous Waste Management Facilities (53FR41649; 10/24/88).	RCRA Sections 2002(a), 3004, 3005 & 3006 40 CFR 264.98(g)(4).	ECL Sections 27-0707, 0913; 6NYCRR 373-2.6(i)(6)(iv)
Identification & Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes (53FR43878; 10/31/88).	RCRA Section 3001(b); 40 CFR 261.33	ECL Section 27-0903; 6NYCRR Section 371.4(d).
Identification & Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes (53FR43881; 10/31/88).	RCRA Section 3001(b); 40 CFR 261.33	ECL Section 27-0903; 6NYCRR Section 371.4(d).
Standards for Generators of Hazardous Waste; Manifest Renewal (53FR45089; 11/8/88).	RCRA Sections 2002, 3002, 3003; 40 CFR 262.20 and 8700-22.	ECL Sections 27-0905, 0907(5); 6NYCRR Section 372.2(b)(1), Appendix 30.
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators (54FR615; 1/9/89).	RCRA Sections 3004, 3005; 40 CFR 270.14(b) (5) and (13).	ECL Sections 27-0905, 0907, 0911, 0913; 6NYCRR Sections 373-1.5(a)(2) (v) and (xiii).
Amendment to Requirements for Hazardous Waste Incinerator Permits (54FR4286; 1/30/89).	RCRA Section 3005(b); 40 CFR part 270.62(d).	ECL Section 27-0707, 27-0913; 6NYCRR 373-1.9(a)(4).
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits Procedures for Post-Closure Permitting (54FR9596; 3/7/89).	RCRA Sections 2002(a), 3004, 3005 & 3006; 40 CFR 270.72, 270.42, 270.1, 270.10 and 270.29.	ECL Sections 27-0707, 0912, 0913; 6NYCRR 373-1.3(g), 373-1.7(c), 373-1.2(e), 373-1.4(b), and 373-1.5(p).
HSWA Date of Enactment Provisions (11/8/84):		
Direct Action Against Insurers (HSWA 3004(t); 11/8/84)	RCRA Section 3004(t)	ECL Section 27-0917(5), (6) Insurance Law Section 3420.
Dioxin Waste Listing and Management Standards (50FR1978; 1/14/85)	RCRA Sections 3001, 3004; 40 CFR parts 261, 264, 265 & 270.	ECL Sections 27-0903, 0911; 6NYCRR Sections 371.1(c)(5), 371.(f)(2), 371.4, 372.1(e)(1), 373-2.9(f), 373-2.11, 373-2.12, 373-2.13, 373-2.14, 373-2.15, 373-3.1, 373-1.5, 373-3.15, 373-3.16, appendices 21, 22, 23, and 32.
Fuel Labeling (HSWA 3004(r)(1); 2/7/85)	RCRA Sections 3004(r)(1), 3014; 40 CFR 266.34(d).	ECL Section 270907.
Paint Filter Test (50FR18370; 4/30/85)	RCRA Sections 3004, 3005; 40 CFR parts 264, 265, 270.	ECL Sections 27-0707, 0911; 6NYCRR part 373-2, 373-3.
Prohibitions of Liquids in Landfills (HSWA 3004(c); 5/8/85)	RCRA Section 3004(c); 40 CFR 264.314, 265.314, 270.21(h).	ECL Sections 27-0703(a), 27-0911, 27-0912; 6NYCRR 373-2.14 and 373-3.14.
Expansions During Interim Status—Waste Piles (HSWA 3015(a); 5/8/85)	RCRA Section 3015(a)	ECL Section 27-0913.
Expansions During Interim Status—Landfills and Surface Impoundments (HSWA 3015(b); 5/8/85).	RCRA Section 3015(b)	ECL Section 27-0913.
HSWA Codification Rule (50FR28702; 7/15/85):		
Small Quantity Generators	RCRA Section 3002; 40 CFR 261.5 (b), (f), (g) and (h).	ECL Section 27-0907; 6NYCRR Section 372.1(e)(1).
Household Waste	RCRA Section 3001; 40 CFR 261.4(b)(1)	ECL Sections 27-0900, 27-0903; 6NYCRR 371.1(e)(2)(i).
Waste Minimization	RCRA Section 3002; 40 CFR 262.41, 264.70, 264.73 and 270.	ECL Section 0907, 0908; 6NYCRR 372.2(c)2, 373-2.5 and 373-1.
Location Standards for Salt Domes, Salt Beds, Underground Mines & Caves.	RCRA Section 3004(b); 40 CFR 264.18(c) and 265.18.	ECL Section 27-0912; 6NYCRR 373-2.2(j)(2), 373-3.2(i).

Provision	Federal authority	State authority
Liquids in Landfills	RCRA Sections 3003(c); 40 CFR 264.314, 265.314, 270.21(h).	ECL Sections 27-0703(a), 0911, 0912; 6NYCRR Sections 373-2.14(j) (1), (2), 373-3.14(g) (1) and (2).
Dust Suppression	RCRA Section 3002, 3004; 40 CFR 266.23	ECL Section 374.3(d).
Double Liners	RCRA Section 3015(b); 40 CFR 264.221, 264.301, 265.221, 265.254, 265.301.	ECL Sections 27-0707, 0911; 6NYCRR 373-2.11(b), 373-2.14(c), 373-3.11(i), 373-3.12(h), 373-3.14(j).
Groundwater Monitoring	RCRA Section 3004(p); 264.90, 40 CFR 264.222, 264.252, 264.253, 264.302, 264.226, 264.226, 264.254, 264.303, 264.310.	ECL Section 27-0703(1), 0911; 6NYCRR Sections 373-2.6(a)(2), 373-2.11 (c) (d) (f), 373-2.12 (c), (d) & (e)(2), 373-2.14 (d), (e) & (g).
Cement Kilns	RCRA Section 3004(a); 40 CFR 261.6, 261.33, and 266.31.	ECL Sections 19-0301(1), 19-0303, 0304, 27-0703, 0907, 0909, 0911; 6NYCRR Sections 372.1(e)(2)(ii), 371.4(d), 374.4(b)(2)(i).
Corrective Action	RCRA Section 3004 (a), (c) and (d). 3005; 40 CFR 264.90, 264.101, and 270.60.	ECL Sections 3-0301(1)(6), 27-0703, 0705, 0707, 0911, 71-2791; 6NYCRR Sections 373-1.1(d)(2), (ii) and (iii), 373-2.6(e) (1) & (2), 373-2.6(a)(1).
Pre-construction Ban	RCRA Section 3005(a); 40 CFR 270.10(f) (1) & (3).	373-1.2(c).
Permit Life	RCRA Section 3005(c)(3); 40 CFR 270.41(a)(6), 270.50(d).	ECL Sections 27-0707, 0913(1), 70-0115; 6NYCRR 373-1.8(a)(1).
Omnibus Provision	RCRA Section 3005(c)(3); 40 CFR 270.32(b).	ECL Sections 27-0707, 0913(1); 6NYCRR 373-1.6(c)(2).
Interim Status	40 CFR 270.10, 270.30, 270.70, 270.73	373-1.3, 373-1.4, and 373-1.6.
Hazardous Waste Exports	RCRA Section 3017; 40 CFR parts 261, 262, and 263.	ECL Section 27-0907(6); 6NYCRR 370, 372.1, 392.2, and 372.5.
Exposure Information	RCRA 3019(a); 40 CFR 270.10 (c) and (i)	ECL Section 27-0707, 0913(i); 6NYCRR 371-1.4(b), 373-1.5(d) 10 and (h)(10).
Listing of TDI, TDA, DNT (50FR42936; 10/23/85)	RCRA Section 3003(1); 40 CFR 261.33 and 261.32.	ECL Section 27-0905; 6NYCRR § 371.4 (c) and (d).
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces (50FR49164; 11/29/85).	RCRA Sections 3001, 3004(a); 40 CFR parts 261, 264, 265 and 266.	ECL Section 27-0907, 0909, 0910, 0922; 6NYCRR 371.1(d), 372.1(e), 373-2.15, 373-3.15, 374.4 and 374.5.
Listing of Spent Solvents (50FR53315; 12/31/85)	RCRA Section 3001(b); 40 CFR 261.31	ECL Section 27-0903; 6NYCRR Section 371.4(b).
Listing of Spent Solvents; Correction (51FR2702; 1/21/86)	RCRA Section 3001(b); 40 CFR 261.31	ECL Section 27-0903; 6NYCRR Section 371.4(b).
Listing of EDB Waste (51FR5327; 2/13/86)	RCRA Section 3001(b); 40 CFR 261.32	ECL Section 27-0903; 6NYCRR Section 371.4(c).
Listing of Four Spent Solvents (51FR6537; 2/25/86)	RCRA Section 3001(b); 40 CFR 261.33, and 261.31.	ECL Section 27-0903; 6NYCRR Section 371.4 (b) and (d).
Generators of 100 to 1000 kg Hazardous Waste (51FR10146; 3/24/86)	RCRA Section 3001(d); 40 CFR parts 260-263.	ECL Section 27-0900, 0907, 0909, 0911; 6NYCRR Section 370.2(b), 371.1(a), 371.4(d), 372.1(e), 372.2 (a) & (b), 372.3(b), 373-1.1(d) & 373-1.3(b).
Codification Rule, Technical Correction (Paint Filter Test) (51FR19176; 5/28/86).	RCRA Sections 3004, 3005; 40 CFR 265.314(d).	ECL Sections 27-0707, 0911; 6NYCRR 373-3.14(g)(3).
Standards for Hazardous Waste Storage and Tank Systems (also in Non-HSWA Cluster III) (51FR25422; 7/14/86).	RCRA Sections 1006, 2002, 3001-3007, 3010, 3014, 3017-19, 7004; 40 CFR parts 260, 261, 262, 264, 265 and 270.	ECL Sections 27-0907, 0911; 6NYCRR 370.2, 371.1, 372.2, 373-1, 373-2 and 373-3.
Biennial Report; Correction (51FR28556; 8/8/86)	RCRA Sections 3002, 3004; 40 CFR 264.75, 265.75.	ECL Section 27-0707, 0907(6), 0911; 6NYCRR Section 373-2.5(e)(8-10) and 373-3.5(e)(8-10).
Exports of Hazardous Waste (51FR28664; 8/8/86)	RCRA Section 3017; 40 CFR parts 261, 262 and 263.	ECL Section 27-0707(6); 6NYCRR parts 370, 372.1, 372.2 and 372.5.
Standards for Generators Waste Minimization Certifications (51FR35190; 10/1/86).	RCRA Sections 3002(a)(6), b.; 40 CFR 262.41, 8700-22.	ECL Sections 27-0907(5) (a) and (b), 0908; 6NYCRR Section 372.2.
Listing of EBDC (51FR37725; 10/24/86)	RCRA Section 3001(b); 40 CFR Sections 261.32.	ECL Section 27-0903; 6NYCRR Section 371.4(c).
Land Disposal Restrictions (51FR40572; 11/7/86)	RCRA Sections 3004(d)-(k) & (m); 40 CFR part 260, 261, 262, 263 264, 265, 268, 270.	ECL Section 27-0912; 6NYCRR 370, 371, 372, 373-1, 373-2, 373-3 and 376.
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces; Technical Corrections (52FR11819; 4/13/87).	RCRA Sections 3004(g)(2)(A), 3004(r) (2) & (3); 40 CFR 261, 266.	ECL Section 27-0903; 6NYCRR Section 371, 374.4(b), 374.5 (e) and (f).
Land Disposal Restrictions Corrections (52FR21010; 6/4/87)	40 CFR 264, 265, and 268	6NYCRR 373-2, 373-3, and 376.
California List Waste Restrictions (52FR25760; 7/8/87)	RCRA Section 3004(d)-(k) and (m); 40 CFR parts 264, 265, 268 and 270.	ECL Section 27-0912; 6NYCRR 373-1, 373-2, 373-3 and 376.
Exception Reporting for Small Quantity Generators of Hazardous Waste (52FR35894; 9/23/87).	RCRA Sections 3001(d) and 3002(a)(5); 40 CFR 262.42, 262.44.	ECL Sections 27-0905, 0907(5), 0911, 0913; 6NYCRR Section 372.1(e) (i) and (ii), and 372.2(c)(3).
California List Waste Restrictions; Technical Corrections (52FR41295; 10/27/87).	RCRA Section 3004(d)-(k) and (m); 40 CFR parts 264, 265, 268 and 270.	ECL Section 27-0912; 6NYCRR parts 373-1, 373-2, 373-3, and 376.
HSWA Codification Rule 2 (52FR45788; 12/1/87):		
Permit Application Requirements Regarding Corrective Action	RCRA Section 3004, 3005; 40 CFR 270.14	ECL Section 27-0911, 0913; 6NYCRR 373-1.5(a).
Corrective Action Beyond Facility Boundary	RCRA Section 3004(v); 40 CFR 264.101(c), 264.100(e) 144.1, 144.3.	ECL Sections 27-0707, 0911, 0913; 6NYCRR Sections 373-2.6(k)(5) and 373-2.6(1).
Corrective Action for Injection Wells	40 CFR 265.1 and 270.60	ECL Section 373-3.1(a)(4), 373-1.1(d)(2).

Provision	Federal authority	State authority
Permit Modification	RCRA Section 3005(c); 40 CFR 270.41(a)(3).	ECL Sections 27-0707, 0913; 6NYCRR Section 621.14 and 373-1.7(b).
Permit as a Shield Provision	RCRA Section 3006(g); 40 CFR 270.4(a)	ECL Section 27-0912; 6NYCRR Section 373-1.2(f).
Permit Conditions to Protect Human Health and the Environment	RCRA Section 3005(c); 40 CFR 270.10(k)	ECL Section 27-0707, 0913; 6NYCRR Section 373 1.4(h).
Post-Closure Permits	RCRA Section 3005(c); 40 CFR 270.1(c)	ECL Section 27-0707, 0913, 0918; 6NYCRR Section 373-1.2(e).
Identification and Listing of Hazardous Waste; Technical Correction (53FR27162; 7/19/88).	RCRA Section 3001; 40 CFR 261.5 (e) and (f)(2).	ECL Section 27-0903 6NYCRR Section 372.1(e) (i), (v) and (vi).
Farmer Exemptions; Technical Corrections (53FR27164; 7/19/88)	RCRA Section 3002, 3004, 3005; 40 CFR 262.10, 264.1(g), 265.1(c), 268.1(c), 270.1.	ECL Section 27-0907, 0911, 0913; 6NYCRR Sections 372.1 (a) and (b), 373-1.1(d)(1), 376.1(a)(4).
Land Disposal Restrictions for First Third Scheduled Wastes (53FR31138; 8/17/88).	RCRA Section 3004 (d)-(k) and (m); 40 CFR parts 264, 265, 266 and 268.	ECL Section 27-0912; 6NYCRR 373-2, 373-3, 374 and 376.
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank System (also in Non-HSWA Cluster V) (53FR34079; 9/2/88).	RCRA Sections 1006, 2002, 3001-3007, 3010, 3014, 3017-19, 7004; 40 CFR parts 260, 264, 265 and 270.	ECL Sections 27-0907, 0911; 6NYCRR 370.2, 373-1.2, 373-2, 373-3.
Identification and Listing of Hazardous Waste; Land Disposal Restrictions—Administrative Stay (54FR4021; 1/27/89).	40 CFR part 261	6NYCRR part 371.
Land Disposal Restrictions (54FR8264; 2/27/89)	40 CFR part 268	6NYCRR part 376.
Land Disposal Restriction Amendments to First Third Scheduled Wastes (54FR18836; 5/2/89).	40 CFR part 268.12 and 268.43	6NYCRR part 376.
Land Disposal Restrictions for Second Third Scheduled Wastes (54FR26594; 6/23/89).	RCRA Section 3004 (d)-(k) and (m); 40 CFR part 268.	ECL Section 27-0912; 6NYCRR 376.
Hazardous Waste Management System; Requirements of Rulemaking Petitions (54FR27114; 6/27/89).	RCRA Sections 3003, 3012, 3021, 3026; 40 CFR 260.22.	6NYCRR part 370.3(c).
Land Disposal Restrictions; Correction (54FR36967; 9/6/89)	RCRA Section 3004(d)-(k) and (m); 40 CFR part 268.	ECL Section 27-0912; 6NYCRR part 376.
Land Disposal Restrictions; Correction (55FR23935; 6/13/90)	RCRA Section 3004(d)-(k) and (m); 40 CFR part 268.	ECL Section 27-0912; 6NYCRR part 376.
Reportable Quality Adjustment Methyl Bromide Production Wastes (54FR41402; 10/6/89).	40 CFR 261.32	6NYCRR 371.4(c).
Reportable Quantity Adjustment (54FR50968; 12/11/89)	40 CFR 261.31	6NYCRR 371.4(b).
Land Disposal Restrictions for Third Third Scheduled Wastes (55FR22520; 6/1/90).	RCRA Section 3004 (d)-(k) and (m); 40 CFR parts 261, 262, 264, 265 and 268.	ECL Section 27-0912; 6NYCRR parts 371, 372, 373-2, 373-3 and 376.

EPA has reviewed New York's application, and has made an immediate final decision that New York's hazardous waste program revision satisfies all of the requirements necessary to qualify for final authorization. Consequently, EPA intends to grant final authorization for the additional program modifications to New York. The public may submit written comments on EPA's immediate final decision up until April 22, 1992. Copies of New York's application for program revision are available for inspection and copying at the locations indicated in the "Addresses" section of this Notice.

Approval of New York's program revision shall become effective 60 days after the date of publication of this Notice unless an adverse comment pertaining to the State's revision discussed in this Notice is received by the end of the comment period. If an adverse comment is received, EPA will publish either (1) a withdrawal of the immediate final decision or (2) a notice containing a response to comments which either affirms that the immediate final decision takes effect or reverses the decision. New York is applying for final authorization of the following Federal hazardous waste requirements:

RCRA Checklist	HSWA or FR reference	Promulgation or HSWA date
Non-HSWA Cluster III (7/1/86-6/30/87):		
Standards for Hazardous Waste Storage and Treatment Tank Systems	51FR25422	7/14/86
Revised Manual SW-846; Amended Incorporation by Reference	52FR8072	3/16/87
Closure/Post-Closure Care for Interim Status Surface Impoundments	52FR8704	3/19/87
Amendments to Part B Info. Requirements for Land Disposal Facilities	52FR23447	6/22/87
Non-HSWA Cluster IV (7/1/87-6/30/88):		
Hazardous Waste Miscellaneous Units	52FR46946	12/10/87
Standards Applicable to Owners and Operators of Hazardous Waste TSDF's; Closure/Post-Closure and Financial Responsibility Requirements.	53FR7740	3/10/88
Non-HSWA Cluster V (7/1/88-6/30/89):		
Identification & Listing of Haz. Waste; Treatability Studies Sample Exemption	53FR27290	7/19/88
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank systems	53FR34079	9/2/88
Identification & Listing of Haz. Waste; and Designation, Reportable Quantities; and Notification	53FR35412	9/13/88
Permit Modifications for Hazardous Waste Management Facilities	53FR37912	9/28/88
Statistical Methods for Evaluating Groundwater Monitoring Data from Hazardous Waste Facilities	53FR39720	10/11/88
Permit Modifications for Hazardous Waste Management Facilities	53FR41649	10/24/88
Identification & Listing of Hazardous Waste; Removal of Iron Dextran from the List of Hazardous Wastes	53FR43878	10/31/88
Identification & Listing of Hazardous Waste; Removal of Strontium Sulfide from the List of Hazardous Wastes	53FR43881	10/31/88
Standards for Generators of Hazardous Waste; Manifest Renewal	53FR45089	11/8/88
Hazardous Waste Miscellaneous Units; Standards Applicable to Owners and Operators	54FR615	1/9/89
Amendment to Requirements for Hazardous Waste Incinerator Permits	54FR4286	1/30/89
Changes to Interim Status Facilities for Hazardous Waste Management Permits; Modifications of Hazardous Waste Management Permits; Procedures for Post-Closure Permitting.	54FR9596	3/7/89

RCRA Checklist	HSWA or FR reference	Promulgation or HSWA date
HSWA Cluster I (11/1/84-6/30/87):		
HSWA Date of Enactment Provisions	Numerous	11/8/84
Direct Action Against Insurers	HSWA 3004(t)	11/8/84
Dioxin Waste Listing and Management Standards	50FR1978	1/14/85
Fuel Labeling	HSWA 3004(r)(1)	2/7/85
Paint Filter Test	50FR18370	4/30/85
Prohibitions of Liquids in Landfills	HSWA 3004(c)	5/8/85
Expansions During Interim Status—Waste Piles	HSWA 3015(a)	5/8/85
Expansions During Interim Status—Landfills and Surface Impoundments	HSWA 3015(b)	5/8/85
HSWA Codification Rule	50FR28702	7/15/85
Small Quantity Generators		
Household Waste		
Waste Minimization		
Location Standards for Salt Domes, Salt Beds, Underground Mines and Caves		
Liquids in Landfills		
Dust Suppression		
Double Liners		
Groundwater Monitoring		
Cement Kilns		
Fuel Labeling		
Corrective Action		
Pre-construction Ban		
Permit Life		
Omnibus Provision		
Interim Status		
Hazardous Waste Exports		
Exposure Information		
Listing of TDI, TDA, DNT	50FR42936	10/23/85
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces	50FR49164	11/29/85
Listing of Spent Solvents	50FR53315	12/31/85
Listing of Spent Solvents; Correction	51FR2702	1/21/86
Listing of EDB Waste	51FR5327	2/13/86
Listing of Four Spent Solvents	51FR6537	2/25/86
Generators of 100 to 1000 kg Hazardous Waste	51FR10146	3/24/86
Codification Rule, Technical Correction (Paint Filter Test)	51FR19176	5/28/86
Standards for Hazardous Waste Storage and Tank Systems	51FR25422	7/14/86
Biennial Report; Correction	51FR28556	8/8/86
Exports of Hazardous Waste	51FR28664	8/8/86
Hazardous Waste Storage and Tank Systems; Corrections	51FR29430	8/15/86
Standards for Generators—Waste Minimization Certifications	51FR35190	10/1/86
Listing of EBDC	51FR37725	10/24/86
Land Disposal Restrictions	51FR40572	11/7/86
Burning of Waste Fuel and Used Oil Fuel in Boilers and Industrial Furnaces; Technical Corrections	52FR11819	4/13/87
Land Disposal Restrictions; Corrections	52FR21010	6/4/87
HSWA Cluster II (7/1/87-6/30/90)		
California List Waste Restrictions	52FR25760	7/8/87
Exception Reporting for Small Quantity Generators of Hazardous Waste	52FR35894	9/23/87
California List Waste Restrictions; Technical Corrections	52FR41295	10/27/87
HSWA Codification Rule 2	52FR45788	12/1/87
Permit Application Requirements Regarding Corrective Action		
Corrective Action Beyond Facility Boundary		
Corrective Action for Injection Wells		
Permit Modification		
Permit as a Shield Provision		
Permit Conditions to Protect Human Health and the Environment		
Post-Closure Permits		
Identification and Listing of Hazardous Waste; Technical Correction	53FR27162	7/19/88
Farmer Exemptions; Technical Corrections	53FR27164	7/19/88
Land Disposal Restrictions for First Third Scheduled Wastes	53FR31138	8/17/88
Hazardous Waste Management System; Standards for Hazardous Waste Storage and Treatment Tank System (also in Non-HSWA Cluster V).	53FR34079	9/2/88
Identification and Listing of Hazardous Waste; Land Disposal Restrictions—Administrative Stay	54FR4021	1/27/89
Land Disposal Restrictions	54FR8264	2/27/89
Land Disposal Restriction Amendments to First Third Scheduled Wastes	54FR18836	5/2/89
Land Disposal Restrictions for Second Third Scheduled Wastes	54FR26594	6/23/89
Hazardous Waste Management System; Requirements of Rulemaking Petitions	54FR27114	6/27/89
Land Disposal Restrictions; Correction	54FR36967	9/6/89
Land Disposal Restrictions; Correction	55FR23935	6/13/90
Land Disposal Restrictions for Third Third Scheduled Wastes	55FR22520	6/1/90

New York has only applied for authorization for the above listed requirements. This list does not include some federal requirements, including, but not limited to, rules such as the Toxicity Characteristic Rule and the rules establishing organic air emission standards. New York is not authorized, nor is it seeking to be authorized, to operate the Federal Program on Indian lands. This authorization shall remain with the EPA.

C. Decision

The EPA concludes that New York's application for program revision meets all of the statutory and regulatory requirements established by RCRA. Accordingly, New York is granted final authorization to operate its hazardous

waste program as revised. New York now has expanded responsibility for permitting treatment, storage and disposal facilities within its borders and carrying out other aspects of the RCRA program, subject to the limitation of its revised program application and previously approved authorities. New York also has primary enforcement responsibilities for the program revision, although EPA retains the right to conduct inspections under section 3007 of RCRA and to take enforcement actions under sections 3008, 3013 and 7003 of RCRA.

The version of the regulations being authorized by EPA at this time are the regulations which are in effect as of February 1st, 1992. The regulations so authorized are available at the repositories noted above and will appear in the revised version of Title 6 of the Official Compilation of Codes, Rules and Regulations that the New York Secretary of State will be publishing later in 1992.

Compliance With Executive Order 12291

The Office of Management and Budget has exempted this rule from the requirements of section 3 of Executive Order 12291.

Certification Under the Regulatory Flexibility Act

Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this authorization will not have a significant economic impact on a substantial number of small entities. This authorization effectively suspends the applicability of certain Federal regulations in favor of New York's program, thereby eliminating duplicative requirements for handlers of hazardous waste in the State. It does not impose any new burdens on small entities. This rule, therefore, does not require a regulatory flexibility analysis.

Authority: This Notice is issued under the authority of sections 2002(a), 3006 and 7004(b) of the Solid Waste Disposal Act, as amended, 42 U.S.C. 6912(a), 6926, 6974(b).

Dated: March 12, 1992.

Constantine Sidamon-Eristoff,

Regional Administrator.

[FR Doc. 92-6670 Filed 3-20-92; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 721

[OPPTS-50580B; FRL-4002-2]

Carboxy Alkyl Silyl Salt and Formaldehyde, Polymer with Bisphenol A and Substituted Phenol; Proposed Revocation of Significant New Use Rules

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is revoking the significant new use rules (SNURs) at 40 CFR 721.1060 and 721.1890 that were promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for the above two chemical substances based on receipt of new data. The data indicate that for purposes of TSCA section 5, further regulation under section 5 of TSCA is not warranted at this time.

EFFECTIVE DATE: The effective date of this rule is April 22,1992.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Assistance Office (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB-44, 401 M St., SW., Washington, DC 20460. Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of June 26, 1990 (55 FR 26092), EPA issued SNURs establishing significant new uses for carboxy alkyl silyl salt (P-89-292) and formaldehyde, polymer with bisphenol A and substituted phenol (P-89-279). Because of additional data EPA has received for these substances, EPA proposed to revoke these SNURs in the **Federal Register** of August 29, 1991 (56 FR 42714).

I. Rulemaking record

The record for the rules which EPA is revoking was established in docket number OPPTS-50580 (P-89-279 and P-89-292). This record includes information considered by the Agency in developing this rule and includes the test data to which the Agency has responded with this revocation.

II. Background

The Agency proposed the revocation of the SNUR for these substances in the **Federal Register** of August 29, 1991 (56 FR 42714). The background and reasons for the revocation of the SNUR are set forth in the preamble to the proposed revocation. The Agency received no public comment concerning the proposed revocation. As a result EPA is revoking these SNURs.

III. Objectives and Rationale of Revocation of the Rules

During review of the PMNs submitted for the chemical substances that are the subject of this revocation, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the environmental effects of the substances, and EPA identified the tests considered necessary to evaluate the risks of the substances. The basis for such findings is referenced in Unit II. of this preamble. Based on these findings, section 5(e) consent orders were negotiated with the PMN submitters and SNURs were promulgated. EPA reviewed the testing conducted by the PMN submitters for the substances and determined that the information available was sufficient to make a reasoned evaluation of the environmental effects or releases of the substances. With respect to P-89-292, EPA concluded that, for the purposes of TSCA section 5, the substance will not present an unreasonable risk. With respect to P-89-279, EPA concluded that, for the purposes of TSCA section 5, the substance will not be released in substantial quantities. Accordingly, EPA subsequently revoked the section 5(e) consent orders. The revocation of SNUR provisions for these substances designated herein is consistent with the revocation of the section 5(e) orders. In light of the above EPA is revoking SNUR provisions for these chemical substances. EPA will no longer require notice of any company's intent to manufacture, import, or process these substances.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: February 6, 1992.

Victor J. Kimm,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 will continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.1060 [Removed]

2. By removing § 721.1060.

§ 721.1890 [Removed]

3. By removing § 721.1890.

[FR Doc. 92-6671 Filed 3-20-92; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL MARITIME COMMISSION

46 CFR Part 502

[Docket 92-03]

Rules of Practice and Procedure; Special Docket Applications

AGENCY: Federal Maritime Commission.

ACTION: Final rule.

SUMMARY: The Federal Maritime Commission adopts as a final rule an Interim Rule regarding the processing of special docket applications. This amendment to part 502 authorizes the Secretary of the Commission to assign such applications to Special Docket Officers for review and initial decision. The Secretary will retain discretion to assign particular applications to the Office of Administrative Law Judges as appropriate.

EFFECTIVE DATE: This action is effective March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Joseph C. Polking, Secretary, Federal Maritime Commission, 1100 L Street, NW., Washington, DC 20573, (202) 523-5725.

SUPPLEMENTARY INFORMATION: Rule 92 of the Commission's Rules of Practice and Procedure, 46 CFR 502.92, contains regulations outlining the procedures for the filing and processing of special docket applications. Such applications may be filed by a common carrier or shipper for permission to refund or waive collection of a portion of freight charges, where it appears that there is an error in the carrier's tariff of a clerical or administrative nature or an error due to inadvertence in failing to file a new tariff. Under past Commission practice, all such applications were referred by the Secretary of the Commission to the Commission's Office of Administrative Law Judges ("OALJ") for review and for issuance of an initial decision.

The number of special docket applications filed with the Commission has increased dramatically over the last year. This increase occurred at a time when the number of formal docket proceedings assigned to OALJ also increased significantly. These increases created a significant workload burden for OALJ. To reduce this workload burden and to better utilize staff resources, the Commission, by notice of January 27, 1992, 57 FR 3026, published an Interim Rule amending its special docket procedures and solicited comments. Under the Rule, principal responsibility for review of special dockets is transferred to the Office of the Secretary of the Commission. The Secretary has the authority to assign special docket applications to special Dockets Officers, who will review each application and issue an initial decision. The process for filing of exceptions and/or review of initial decisions by the Commission will continue. The Secretary also has discretion to continue to refer particular applications to OALJ for disposition when deemed appropriate. Such discretion might be exercised, for example, when the application involves unique or complex legal issues.

Special Docket Officers to whom applications are assigned will be experienced Commission personnel, including at the outset the Commission's Assistant Secretary and the Director of the Office of Informal Inquiries, Complaints and Informal Dockets. Other personnel also will be utilized for this function. Transfer of the special docket function in this fashion places this activity in a posture similar to the processing of service contract correction applications under 46 CFR 581.7, the responsibility for which has been delegated to the Director, Bureau of Tariffs, Certification and Licensing. This reassignment will not result in any change in the quality and carefulness of review of special docket applications.

A related change regarding the number of copies of special docket applications required to be filed was included in the Interim Rule. The number is reduced from an original and three to an original and one.

Brief comments on the Interim Rule were filed by Sea-Land Service, Inc., Contship Containerlines, Inc., Wilhelmsen Lines AS, V.A.G. Transport GmbH & Co. OHGT, the Transpacific Westbound Rate Agreement and, filing collectively, the Asia North America Eastbound Rate Agreement, the Israel Trade Conference, the South Europe/U.S.A. Freight Conference, the United States Atlantic Gulf Ports/Eastern Mediterranean and North African Freight Conference and the U.S. Atlantic & Gulf/Australia-New Zealand Conference. The comments all supported the Interim Rule and suggested no changes. The Commission therefore will adopt the changed special docket procedure as a final rule.

Although the Commission, as an independent regulatory agency, is not subject to Executive Order 12291, dated February 17, 1981, it has nonetheless reviewed the rule in terms of that Order and has determined that this rule is not a "major rule" as defined in Executive Order 12291 because it will not result in:

(1) Annual effect on the economy of $100 million or more;

(2) A major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or

(3) Significant adverse effects on competition, employment, investment, productivity, innovations, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Federal Maritime Commission certifies, pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), that this rule will not have a significant economic impact on a substantial number of small entities, including small businesses, small organizational units and small government jurisdictions.

List of Subjects in 46 CFR Part 502

Administrative practice and procedure.

Therefore, pursuant to 5 U.S.C. 553 and sections 8 and 17 of the Shipping Act of 1984, 46 U.S.C. app. 1707 and 1716, part 502 of title 46, Code of Federal Regulations, is amended as follows:

1. The interim rule amending 46 CFR part 502 which was published at 57 FR 3026 on January 27, 1992, is adopted as a final rule without change.

By the Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6601 Filed 3-20-92; 8:45 am]
BILLING CODE 6730-01-M

Proposed Rules

Federal Register
Vol. 57, No. 56
Monday, March 23, 1992

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

NUCLEAR REGULATORY COMMISSION

10 CFR CH. I

Public Meeting for Special Review of NRC Regulations

AGENCY: Nuclear Regulatory Commission.

ACTION: Notification of agenda and procedure for conduct of Public Meeting.

SUMMARY: On March 5, 1992, the NRC published in the **Federal Register** an announcement (57 FR 7893) providing initial information about a public meeting to be held on March 27, 1992 relating to the Special Review of NRC regulations currently being conducted by the Committee to Review Generic Requirements (CRGR). The announcement indicated that details regarding the agenda for the meeting would be published in a subsequent notice prior to the meeting. The agenda for the meeting is provided below immediately following this notice. A summary of the comments received and preliminary evaluation is also provided.

As indicated in the agenda, the morning session of the meeting will be devoted principally to discussion of suggested or possible changes to the NRC regulatory requirements that affect operating power reactors. The afternoon session will cover suggested or possible changes in the remaining areas of NRC regulations, e.g., regulatory requirements for waste and materials licensees.

Interested individuals may address remarks or comments to the CRGR at the meeting, relevant to the identification and evaluation of candidates for reduction or elimination in the Special Review context. To facilitate the scheduling of available time for speakers and orderly conduct of the meeting, members of the public who wish to speak at the meeting should notify a cognizant NRC staff member in advance of the meeting, as indicated in the information below. Several candidates for recommended action have been identified by CRGR, based on preliminary evaluation of comments received in response to the notice announcing the Special Review (57 FR 6299). Those items, which are likely or possible candidates, discussed as Category I or II items in the agenda below, will be given highest priority in allocating discussion time at the meeting.

The review by the NRC staff and CRGR of comments received from the public and other sources is continuing. Other candidates for recommended action in the Special Review (i.e., in addition to those now listed in the agenda below) may be identified prior to the public meeting. Such additional candidates (if any) will be included in a revised agenda that will be made available at the time of the meeting.

A copy of public and agency comments received is available for review in the NRC's Public Document Room.

DATE: Public meeting is scheduled for March 27, 1992.

ADDRESS: Public meeting will be held at the Hyatt Regency Bethesda, 1 Bethesda Metro Center, Bethesda, Maryland 20814. Phone (301) 657–1234.

FOR FURTHER INFORMATION CONTACT: To request the opportunity to speak at the public meeting, contact one of the cognizant NRC staff members listed below. Indicate as specifically as possible the topic(s) of your comment. Provide your name and a telephone number at which you can be reached, if necessary, before the meeting. Registration will be available at the meeting for a limited number of additional speakers on a first come basis.

Contact: James Conran, Phone (301) 492–9855, FAX (301) 492–7142 or Dennis Allison, Phone (301) 492–4148, FAX (301) 492–7142.

Dated at Bethesda, Maryland this 18th day of March, 1992.

For the Nuclear Regulatory Commission.

Edward L. Jordan,

Director, Office for Analysis and Evaluation of Operational Data.

Agenda for Public Meeting on Special Review of NRC Regulations—Morning Session: (Regulatory Requirements Affecting Principally Power Reactors)

8:30 a.m.—Introductory Remarks by CRGR Chairman.

8:45 a.m.—Discussion of Potential Candidates for Recommended Action in Special Review Report.

Note: In allocating discussion time at the meeting, highest priority will be given to items which have been identified as likely or possible candidates for recommended action, based on a preliminary evaluation of public comments. These are the items identified as Category I and Category II in the Preliminary Status of Issues discussed below. Other items which are byproducts that warrant consideration for longer term programs may be discussed, time permitting. These are the items identified as Category III in the Preliminary Status of Issues discussed below.

1 p.m.—Break for Lunch.

Afternoon Session: (Other Areas of NRC Regulation, e.g., Regulatory Requirements for Waste and Materials Licensees).

2:30 p.m.—Introductory Remarks by CRGR Chairman.

2:45 p.m.—Discussion of Potential Candidates for Recommended Action in Special Review Report.

Note: In allocating discussion time at the meeting, highest priority will be given to items which have been identified as likely or possible candidates for recommended action, based on a preliminary evaluation of public comments. These are the items identified as Category I and Category II in the Preliminary Status of Issues discussed below. Other items which are byproducts that warrant consideration for longer term programs may be discussed, time permitting. These are the items identified as Category III in the Preliminary Status of Issues discussed below.

5 p.m.—Adjourn meeting.

Preliminary Status of Issues

The criteria listed below have been used in assigning categories during the preliminary evaluation of public comments.

Category I: Likely Candidate for Special Review Recommendation. Appears likely to meet Commission's basic criteria for Special Review candidate (i.e., reduce regulatory burden, and not reduce protection of public health and safety), based on dispositive information provided in the comment or otherwise readily available for consideration in the Special Review. [Likely CRGR recommendation to initiate rulemaking, or other appropriate action, for reduction of specific requirement or requirements.]

Category II: Possible Candidate for Special Review Recommendation. Might meet Commission's basic criteria for

Special Review candidate (i.e., reduce regulatory burden and not reduce protection of public health and safety); but dispositive information is not provided in comment and is not readily available. [Possible CRGR recommendation for dispositioning as a separate priority action following the Special Review.]

Category III: Not a Candidate for Special Review Recommendation. Does not appear to meet the Commission's basic criteria for Special Review Candidates. [Nevertheless, as a byproduct of this process, the CRGR may obtain or develop information that it wishes to convey to a program office in the context of ongoing NRC programs; for example, candidates for consideration in programs such as the program to identify and eliminate power reactor requirements marginal to safety.]

Other (No Category): Includes matters outside the scope of the special review. [The CRGR would recommend no further consideration.]

The issues and comments discussed below have, on a preliminary basis, been evaluated and assigned to Categories.

CONTENTS

Issue 1: Containment testing and allowable containment leakage rates.

Proposed Action

NUMARC: Continue expeditiously toward resolution of the issues related to allowable containment leakage rates during testing, that were identified in the February 24, **Federal Register** notice.

Detroit Edison: Expedite the review of 10 CFR part 50, appendix J recommended in NUREG-4330 and revise treatment of isolation valve testing.

Note: The allowable containment leakage rates are contained in plant technical specifications. Periodic containment testing is required by 10 CFR part 50, appendix J.

Summary of Comments

NUMARC NRC and industry efforts are already underway to resolve this issue and these efforts should proceed towards resolution in an expeditious fashion.

Detroit Edison: Resolution of these issues should proceed expeditiously.

Detroit Edison: The appendix J requirement to determine as-found leakage for isolation valves when maintenance is already planned for the valve should be revised to permit only determination of as-left leakage after the maintenance has been performed. The as-found data provides minimal information of safety significance. An as-left leakage determination following maintenance is sufficient to assure public health and safety.

Preliminary Category

Category III. These matters appear to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review and will be considered in that program.

Issue 2: Change FSAR Update Frequency.

Proposed Action

NUMARC: Revise 10 CFR 50.71, "Annual Safety Analysis Report Updates" to provide for FSAR updates once per refueling cycle, rather than annually.

Summary of Comments

NUMARC: NRC deferred action on a previous Yankee Atomic petition for the proposed action due to lack of priority. The majority of design changes reflected in the updated FSAR are effected during the refueling outage. Use of the refueling cycle interval would provide for a more coordinated and cohesive update and generally a better document, while saving significant industry resources. The present annual update requirement results in much additional complication and waste of licensee resources. The change would in no conceivable way reduce the health and safety of the public.

Yankee Atomic: The proposed action would eliminate a number of unnecessary formal submittals by the industry and should receive a higher priority within the NRC.

Preliminary Category

Categry I. Appears to meet the criteria for this special review. Recommend initiating rulemaking to require that FSAR updates be submitted within 6 months after the end of a refueling outage and reflect all changes made as of the end of the outage, provided that the time between outages is less than or equal to 24 months.

Issue 3: Eliminate Annual Design Change Report.

Proposed Action

NUMARC: Replace the requirement in 10 CFR 50.59(b) for an annual report of design changes with resident inspector review of design change packages, as appropriate.

Summary of Comment

NUMARC: The report of the design changes made under 10 CFR 50.59 requires hundreds of manhours per year, and does not appear to be reviewed by NRC. The reports do not make any contribution to safety. This reporting requirement should receive one of the

highest priorities in any NRC review of reporting requirements.

NRC Staff: Two comments supported revision of § 50.59 to clarify the requirements.

Preliminary Category

Category II. The staff reviews and uses the design change reports. No changes in the recordkeeping and reporting information required by 10 CFR 50.59 appear to be warranted. However, it appears appropriate to submit the required design change report along with the periodic FSAR update on a proposed refueling cycle frequency (see Issue 2) rather than submitting it annually.

Issue 4: Eliminate Duplicative Reports.

Proposed Action

NUMARC: Review the NRC system of reporting requirements in the aggregate and consider elimination of duplicative reports, that do not contribute to safety, and reports that are not reviewed by NRC.

Summary of Comment

NUMARC: Numerous requirements for reporting exist, resulting from a myriad of regulations and license document requirements. Many of the reports are duplicative and do not make any contribution to safety. Some date before the time that resident inspectors were placed at the plant sites. There are so many different reports, frequencies, addressees, etc., that it is a significant burden just to keep track of the reporting requirements. In addition, the immense volume of reporting requirements creates a large administrative burden, e.g., the report of design changes made under 10 CFR 50.59 requires hundreds of manhours per year, and does not appear to be reviewed by NRC.

Westinghouse: The reporting requirements for errors in Emergency Core Cooling System calculations are redundant, with similar requirements in part 21 and in § 50.46. Processing the error detection, assessment and reporting must be done under the quality assurance requirements of appendix B, which makes the 30 day requirement impractical.

Preliminary Category

Category III for most comments. Not specific and/or do not appear to meet the criteria for this special review. Some comments on reporting requirements have previously been considered and additional comments will be considered in the NRC's program to eliminate power reactor requirements that are marginal to safety (as discussed in the February 4, 1992 **Federal Register** notice). In addition, the Office of NRR has recently undertaken a systematic review of power reactor reporting requirements. Further, the Office of NMSS is preparing a plan for a regulatory impact survey for Commission consideration.

Other (No Category) for the specific comment on 10 CFR 50.46. This requirement was recently considered by the Commission. No information was provided that would warrant reconsideration. It does not appear that the requirements of 10 CFR 50.46 and 10 CFR part 21 are duplicative. It does appear that the reporting requirements of 10 CFR 50.46 are needed.

Issue 5: Revise Security Event Reports.

Proposed Action

NUMARC: Revise the requirement in 10 CFR 73.71(c) to eliminate reporting requirements for events that have no security significance and require reports only for actual threats to plant security.

Summary of Comment

NUMARC: 10 CFR 73.71(c) requires reports of many events that have no security significance. This reporting requirement should receive one of the highest priorities in any NRC review of reporting requirements.

Preliminary Category

Category III: The rule does not require reports of little or no security significance. There may be plant specific interpretation/implementation problems. The comment will be considered as a matter of course under existing routine programs.

Issue 6: Main Steam Isolation Valve Leakage Control System.

Proposed Action

NUMARC: Continue expeditiously toward resolution of the Boiling Water Reactor Main Steam Isolation Valve Leakage Control System issue identified in the February 24, **Federal Register** notice.

Summary of Comment

NUMARC: NRC and industry efforts are already underway to resolve this issue and these efforts should proceed towards resolution in an expeditious fashion.

Preliminary Category

Category III: Appears to meet the criteria for requirements that are marginal to safety rather than the criteria for this special review and it will be addressed in that program.

Issue 7: Performance Based Quality Assurance (10 CFR 50, appendix B)

Proposed Action

NUMARC: Modify the requirements in 10 CFR 50, appendix B, "Quality Assurance Criteria for Nuclear Power Plants and Fuel Reprocessing Plants," to be consistent with performance based regulations.

Summary of Comment

NUMARC: Appendix B to part 50 needs to be updated for consistency with performance based regulations and with new quality concepts such as total quality management. The regulation needs to be adopted to support total quality management by the industry and a wholesale shift to performance based inspection concepts by NRC inspectors. Appendix B is a logical candidate for consideration as a requirement of marginal safety significance.

NRC Staff: One staff comment supported revision of Appendix B to eliminate burdensome requirements without reducing protection of public health and safety.

Preliminary Category

Category III. Does not appear to meet the criteria for this special review. An overall reexamination of 10 CFR appendix B and/or its implementation may be warranted to evaluate the potential for improvements along the lines suggested.

Issue 8: Modify Sholly Amendment Requirements

Proposed Action

NUMARC: Reduce or eliminate the administrative burden associated with the public notice of § 50.91 and § 50.92 reviews of license amendments for no significant hazards.

Summary of Comment

NUMARC: The time for publishing and processing a Federal Register notice, except for the exigent or emergency situations, take at least six weeks with no affect on safety. Applicants are required to perform unnecessary assessments. A primary suggestion is that only irreversible decisions, such as venting the containment at Three Mile Island, need the kind of advance notice and opportunity for hearing that is currently required. For other decisions, a notice and opportunity for hearing could be provided after the license amendment is issued.

Preliminary Category

Category II. It is not yet clear to the CRGR whether or not the relaxations requested are legally permissible. The issue has been referred to the NRC's Office of the General Counsel for legal analysis.

Issue 9: Prioritize Revision of 10 CFR Part 50 Requirements

Proposed Action

NUMARC: Utilize the input and discussions at the planned March 27, 1992, public meeting to determine the priority (sequence and schedule) for considering decreased prescriptiveness in the following regulations, as discussed in the February 24, 1992 **Federal Register** notice:

a. 10 CFR 50.44, "Standards for Combustible Gas Control Systems in Light Water Cooled Power Reactors"

b. Appendix J to 10 CFR part 50, "Primary Reactor Containment Leakage Testing for Water Cooled Power Reactors" (See Issue 1)

c. Appendix R to 10 CFR part 50, "Fire Protection Program for Nuclear Power Facilities Operating Prior to January 1, 1979"

Summary of Comment

The comment consisted of the proposed action described above.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 11: Modify Fitness for Duty Rule

Proposed Action

NUMARC: Reduce and clarify requirements of 10 CFR Part 26, "Fitness for Duty Programs."

Summary of Comment

NUMARC: Fifty-one recommendations have been provided to the NRC to make utility programs more cost effective and efficient without diminishing the fitness for duty program.

Preliminary Category

Category III. NUMARC's 51 recommendations are in for consideration. The Office of NRR is developing an amendment to the rule in response to the Commission's direction. This effort will take into account the NUMARC comments.

Issue 12: § 50.34(f), Additional TMI-Related Requirements

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR 50.34(f) "Additional TMI-related requirements" as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: Most of the actions required by § 50.34(f) have been implemented by all current licensees and the Commission's Severe Accident Policy Statement published in August 1985 (50 FR 32138) renders a number of the actions unnecessary. Additionally, the February 4 **Federal Register** notice recognizes that modifications of the regulatory requirements in the areas of post accident sampling systems and combustion gas control systems would have little impact on safety.

Preliminary Category

Category III: Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 13: § 50.49, Environmental Qualification of Electric Equipment

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR 50.49, "Environmental Qualification of Electric Equipment Important to Safety," as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The requirements of this regulation are based on deterministic design basis accidents while probabilistic risk analyses have shown that most of the components to which these requirements are applied have little or no importance to plant safety.

NRC Staff: One comment proposed revision to clarify and reduce § 50.49 requirements.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 14: 10 CFR 20, Dose Limits for Hot Particles

Proposed Action

NUMARC: Include modification of 10 CFR part 20 dose limits with regard to hot particles as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The absence of a dose limit for hot particle exposures requires recording and reporting these "technical" overexposures, even though the associated health risk is less than that for a total effective dose equivalent dose limit. In additional, lack of a technically sound dose limit for hot particle exposure will frustrate implementation of practices that ensure that total effective dose equivalents are ALARA. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 16: 10 CFR 21, Defects and Noncompliance Reports: (Commercial Grade Items)

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR part 21, "Reporting of Defects and Noncompliance," particularly with respect to providing a more flexible definition of commercial grade item, as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The current definition of "commercial grade item" restricts the ability of a utility to assume the part 21 liability responsibility for safety related applications of, primarily, replacement piece parts. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue 17: Event Reporting Systems

Proposed Action

NUMARC: Delay implementation and revise the requirements in NUREG–1022, Revision 1, "Event Reporting Systems" (New guidance for implementation of 10 CFR 50.72 and 50.73.)

Summary of Comment:

NUMARC: Recent publication of draft NUREG–1022, Revision 1 for comment is intended by the staff to clarify reporting requirements; however, the staff has reinterpreted and changed regulatory requirements in many areas, effectively lowering the reporting threshold, which will result in reporting of items of little

or no safety significance. The evaluation of safety importance and regulatory burden done for the draft NUREG–1022 was incorrect in its conclusion of no change in regulatory impact and inadequate to address the safety impact. The result of implementing the revised NUREG–1022 in its present form will be a significant increase in regulatory burden; an increase in LERs of 2500 to 7500 per year for the industry. The change in requirements incorporated in the revised NUREG would in no way affect the health and safety of the public.

Detroit Edison: Reduce the prescriptiveness of NUREG–1022, on Licensee Event Reports, and other similarly prescriptive regulatory guidance. The recently distributed draft of the latest version of NUREG–1022 would place an added significant burden on licensees, through expansion of reporting requirements, without any accompanying safety benefit.

NRC Staff: One comment supported combination of § 50.72 and § 50.73, and revision to limit reportable items.

Preliminary category

Other (No Category) for NUREG–1022. This is outside the scope of the special review because it involves future issuance of a NUREG document. Public comments are already being considered in connection with the proposed document.

Category I with regard to limiting reportable items in 10 CFR 50.72 and 50.73. The staff is preparing a proposed rule change to delete certain unneeded reports from the reporting requirements of 10 CFR 50.72 and 50.73.

Issue 18: Averted On-Site Costs in Cost-Benefit Analyses

Proposed Action

Yankee Atomic: Establish cost benefit analysis practices that are consistent with actual cost experience at nuclear power plants and utilize sound principles of economic analysis.

Summary of Comment

Yankee Atomic: The NRC revision of cost benefit methodology currently underway should encompass the use of a commonly accepted data base for cost estimates, which should include all cost factors (e.g., O&M costs like maintenance, testing and training).

NUMARC: Although the treatment of AOSCs is a matter of policy, not regulation, it has a considerable impact on licensees' backfit benefit-cost analyses. Treating the AOSCs as negative costs, as the NRC currently does, leads to very skewed and misleading benefit/cost ratios that the NRC can use to support the imposition of unjustified backfits. This position was evaluated by EPRI in NSAC–143, "Questionable Techniques Used in Cost-Benefit Analyses of Nuclear Safety Enhancements." This should be a candidate for consideration in the program on requirements that are marginal to safety.

Richard S. Barkley: Continue and expand the program of reviewing and evaluating current and future NRC regulations for possible improvement by CRGR of their current cost-benefit analyses for generic requirements by using more realistic cost estimates and eliminating the practice of using avoided costs in cost-benefit calculations. Consider the recurring operations and maintenance (O&M) expenses and the reduction in complexity of the plant design (e.g., PASS) and operation associated with those marginal technical safety requirements already identified. The deletion of these requirements would reduce complexity and result in substantial savings, as well as benefit reactor safety.

Preliminary Category

Category III: Does not appear to meet the criteria for this special review. The staff is currently working on revised guidelines for cost benefit analyses. The Commission has directed continued/further consideration of the averted onsite costs question. An opportunity for comment on the regulatory analysis guidelines will be provided at an appropriate stage.

Issue 19: Individual Plant Examination of External Events

Proposed Action

NUMARC: Include the requirement to perform Individual Plant Examination of External Events (IPEEEs), as defined in NRC Generic Letter 88–20, Supplement 4, "IPEEE of Severe Accident Vulnerabilities" as a candidate requirement of marginal safety significance.

Summary of Comment

NUMARC: Except for plant walkdowns, the seismic assessment is not likely to identify genuine opportunities for cost-beneficial enhancements to the seismic robustness of existing plants. The staff has subsumed into the IPEEE requirements related to generic safety issues that have not been previously justified by NRC staff on their own merits. There is little to be gained from the IPEEE because potentially important external events were either treated conservatively in design bases or were being examined extensively as generic issues.

Yankee Atomic: The entire IPE/IPEEE effort (Generic Letter 88–20) is an excellent example of a poorly justified, poorly planned, and poorly coordinated regulatory initiative that has and continues to have made excessive demands on licensees' resources.

Preliminary Category

Other (No Category). These issues were recently decided by the Commission following public comment. No new information was provided (nor is any apparent) to warrant reconsideration. The NRC position is that the IPEEE (present scope) is likely to find significant safety enhancements (cost beneficial).

Issue 20: Operator Requalification Examinations

Proposed Action

NUMARC: Revise NUREG–1021 to allow licensees greater flexibility and responsibility for implementation of operator requalification examinations.

Summary of Comment

NUMARC: The NRC's role in the administration of the operator requalification examinations should be changed to the oversight of an examination conducted by the licensee. This is supported by the experience with the current revision of NUREG–1021, which clearly points to safety improvements arising from reduction of licensed operator stress and reduced burden arising from increased efficiency of exam administration. Modification of the administration of the operator requalification examinations should be included as a candidate for consideration as a requirement of marginal safety significance.

Detroit Edison: NUREG–1021, on Operator Requalification Exam Standards is used in an excessively prescriptive manner to define the content of training programs thus imposing a significant burden not inherent in the regulations.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review.

Issue 21: 10 CFR 73.55, Physical Protection in Power Reactors

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR 73.55,

"Requirements for physical protection of licensed activities in nuclear power reactors against radiological sabotage" as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The NRC is evaluating this regulation in response to a Staff Requirement Memorandum, dated last fall. The requirement is a logical candidate for consideration as a requirement of marginal safety significance. The industry experience of the last decade and the recent imposition of more stringent personnel screening programs (fitness for duty; access authorization) suggest that the insider threat has been minimized. Three specific areas should be considered as marginal to safety: separate vital area security; watch-person control of containment access; and compensatory security measures for certain events.

Detroit Edison: The regulatory burden of many security related requirements, including fitness for duty requirements, can be reduced without a significant reduction of safety.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review. The Office of NRR is already evaluating the regulation in response to Commission direction.

Issue 22: 10 CFR 72, subpart H. Physical Protection of ISFSI

Proposed Action

NUMARC: Include modification of the requirements in 10 CFR part 72, subpart H, "Physical Protection-Licensing Requirements for the Independent Storage of Spent Nuclear Fuel and High-Level Radioactive Waste," as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: Utilities installing ISFSIs are required to employ virtually all of the security measures found at operating nuclear power plants. More realistic requirements consistent with providing basic industrial security should be used. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Category III: Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review.

Issue 25: Improved Technical Specification Program

Proposed Action

Detroit Edison: Review the application of the Commission's Interim Policy Statement on Technical Specifications to the Improved Technical Specifications program to assure that the safety benefit of retained requirements merits the burden of their retention as Technical Specifications, and to accelerate the approval of additional Technical Specifications for relocation.

Summary of Comment

Detroit Edison: The Improved Technical Specifications program reduces regulatory burden for requirements relocated from Technical Specifications to plant programs. Some requirements have been retained as Technical Specifications through marginal application of the Commission's Interim Policy Statement on Technical Specifications. In other cases, the relocation of Technical Specifications has been delayed. The comment does not address a specific regulatory requirement, but rather the implementation of a program to review and revise certain requirements. The comment does not specify the burden of the effect on safety of the proposed action.

Preliminary Category

Other (No Category). The staff considers line item changes as quickly as feasible when they meet the Commission's criteria for allowable changes—e.g., provide a safety benefit. Expansion of line item changes beyond these criteria would be inconsistent with the Commission's policy statement on the Technical Specification improvement program. The CRGR plans to review the more general product of the Technical Specification improvement program (improved standard technical specifications) when the staff completes its development work.

Issue 26: Qualification and Training of Nuclear Power Plant Personnel

Proposed Action

NUMARC: Include revision of Regulatory Guide 1.8, "Qualification and Training of Personnel for Nuclear Power Plants," as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The NRC proposed training rule negates the necessity for a revised Regulatory Guide 1.8. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Other (No Category). This is outside the scope of the special review because it involves a future revision to a regulatory guide. An opportunity for public comment will be provided, as a matter of course, for any regulatory guide revisions.

Issue 27: NPP Simulation Facilities for Use in Operator License Examinations

Proposed Action

NUMARC: Include revision of Regulatory Guide 1.149, "Nuclear Power Plant Simulation Facilities for Use in Operator License Examination," as a candidate for consideration as a requirement of marginal safety significance.

Summary of Comment

NUMARC: The industry compliance with the NRC simulator certification requirements and adherence to ANSI/ANS 3.5 obviates the need to issue Regulatory Guide 1.149. The NRC is currently evaluating this requirement. The requirement is a logical candidate for consideration as a requirement of marginal safety significance.

Preliminary Category

Other (no category). This is outside the scope of the special review because it involves a future revision to a regulatory guide. An opportunity for comment on any regulatory guide revisions will be provided as a matter of course.

Issue 28: Operability Determinations (GL 91-18)

Proposed Action

NUMARC: Include the new requirement incorporated in Generic Letter 91-18, "Operability Determinations," as candidate for requirements of marginal safety significance.

Summary of Comment

NUMARC: Generic Letter 91-18 provides Inspection Guidance on Operability that includes new or different regulatory guidance concerning the determination of operability. The guidance will result in the imposition of new regulatory requirements, and, in many ways, runs counter to previous guidance and good utility practice. NRC Inspection Manual, part 9900, section 6.12, "Support System Operability," states: "When a support system is

determined to be inoperable, all systems for which that support system is required for systems operability should be declared inoperable and the LCOs for those systems entered. Any appropriate remedial actions specified by a supported system LCO action statement * * * should be taken." This requirement has the potential to require the shutdown of facilities unnecessarily, due to having a cascade down to the shortest allowed action time, even if the function to support safe plant operation is available.

Yankee Atomic: The extensive new requirements in NUREG–1022 are flawed; however, Generic Letter 91–18 transmitted two new Inspection Modules that drew upon NUREG–1022 for inspection standards prior to any opportunity for industry review and comment.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this review. Note that the inspection guidance does not authorize backfitting. This is stated in the inspection guidance itself.

Issue A: ZIRLO Cladding Exemptions

Proposed Action

Revise 10 CFR 50.44, 50.46, and 10 CFR 50 appendix K so that is not necessary to obtain exemptions when using ZIRLO fuel cladding (rather than Zircalloy fuel cladding).

Summary of Comment

Westinghouse: The wording of these rules explicitly calls out Zircalloy cladding. The NRC staff has determined, based on tests and analyses provided by Westinghouse, that (in other respects) these regulations are completely applicable to ZIRLO cladding. The requirement to obtain exemptions does not in any way contribute to safety.

Preliminary Category

Category I. The CRGR recently reviewed a generic letter indicating that, aside from the name of the alloy, the regulations are applicable to ZIRLO cladding. Rulemaking will be necessary to eliminate the need for exemptions for ZIRLO cladding.

Issue B: Pressure-Temperature Limit

Proposed Action

Drop the Pressure-Temperature Limit based on Regulatory Guide 1.99, Revision 2, and define a limit that would better represent the Reactor Coolant System Pressure-Temperature Limit.

Summary of Comment

Westinghouse: Current practice is generally felt to be overly conservative, reducing the plant operating window during heatup and cooldown and increasing the chance of inadvertently actuating a pressure relief device.

Preliminary Category

Other (No Category). Does not appear to meet the criteria for this special review or the criteria for the program on requirements that are marginal to safety. Insufficient basis provided to warrant consideration.

Issue C: Boron Dilution Event

Proposed Action

The limit which prohibits return to criticality following a boron dilution event should be revised to allow criticality under specified conditions.

Summary of Comment

Westinghouse: The criteria in the Standard Review Plan (NUREG–0800, Section 15.46) in essence prohibit a return to criticality for a boron dilution event. The limit should be revised to allow return to criticality provided the transient is self limiting (see discussion in NRC Generic Letter 85–05). This matter should be considered in the program for requirements that are marginal to safety.

Preliminary Category

Other (No Category). Does not appear to meet the criteria for this special review or the criteria for the program on requirements that are marginal to safety. Insufficient basis provided to warrant consideration.

Issue D: Leak-Before-Break

Proposed Action

Extend the Leak-Before-Break justification to design of emergency core cooling systems and environmental qualification of equipment.

Summary of Comment

In accordance with the revision to 10 CFR 50 appendix A, GDC 4, the Leak-Before-Break justification was accepted for eliminating the postulation of a design basis break for the purpose of high energy piping design (e.g., whip restraints). This justification could be broadened to include design of emergency core cooling systems and environmental qualification of equipment.

Preliminary Category

Other (No Category). This proposal was considered during initial consideration of the Leak-Before-Break justification for the purpose of high energy piping design and it was not adopted at that time. No new information was provided to warrant reconsideration.

Issue E: Post Accident Sampling System

Proposed Action

Reduce post-accident sampling system requirements.

Summary of Comment

Yankee: In the program on requirements that are marginal to safety, (some) requirements for post accident sampling systems were found to be marginal to safety. However, no action was intended because the major costs (of design and installation) had already been born. The requirements should yet be reduced to save the operating and maintenance costs.

Preliminary Category

Category III. Appears to meet the criteria for the program on requirements that are marginal to safety rather than the criteria for this special review.

Issue F: Seismic and LOCA loads, GDC 2

Proposed Action

Allow the analysis for effects of seismic and LOCA stresses to be performed separately on aged components because of the considerable unlikeliness of such a simultaneous event.

Summary of Comment

Westinghouse: The comment recommends the proposed action as discussed above.

Preliminary Category

Other (No Category). Does not appear to meet the criteria for this special review or the criteria for the program on marginal to safety. This proposal was considered when the general design criteria were adopted and on other occasions since that time, for example in the review of the Diablo Canyon operating license application. No new information is provided to warrant reconsideration.

Issue G: Cycle Counting Requirement

Proposed Action

Replace the technical specification cycle counting requirement, typically located in table 5.7.1, with a transient fatigue management program.

Summary of Comment

Westinghouse: The comment recommends the proposed action as described above.

Preliminary Category

Other (No Category). Does not appear to meet the criteria for this special review or the criteria for the program on requirements that are marginal to safety. Insufficient basis provided to warrant consideration.

Issue I: Final Amendment to 10 CFR 50, appendix J

Proposed Action

Incorporate industry's latest comments into the final amendment to 10 CFR, appendix J that is being processed.

Summary of Comment

NUMARC: The comment recommends the proposed action as stated above.

Preliminary Category

Other (No Category). Rulemaking is in progress and there is not an opportunity for additional public comment at this time.

Issue J: Response Time Testing

Proposed Action

Reduce or eliminate response time testing requirements, at least for sensors.

Summary of Comment

The comment recommends the proposed action as stated above.

Preliminary Category

Other (no category). This appears to be outside the scope of this special review. The requirements are contained in plant technical specifications rather than in a regulation. The staff is planning to review a topical report, which is expected from the BWR Owner's Group this spring, on this subject.

Issue K: Comments Not Categorized

Proposed Action

Should the NRC conduct this Special Review (and other reviews to eliminate requirements marginal to safety) and, if so, how should the reviews be conducted? Should the NRC move towards non-prescriptive regulations? Should the NRC use PRA studies to discriminate new requirements.

Summary of Comment

Ohio Citizens for Responsible Energy, Inc.: NRC should stop any attempts to deregulate the nuclear industry. The (CRGR) Special Review should be stopped.

The NRC should restrict itself to its statutory responsibilities to protect the public and is not empowered to participate in a program for promoting economic growth. Citations in support of this are: the D.C. Circuit Court of Appeals decision on "Union of Concerned Scientists vs. NRC;" Section 2(c) of the Energy Reorganization Act of 1974; and the legislative history language by the Senate Committee on Government Operations in Report No. 92-980, 93rd Congress, 2nd Session.

Public Citizen/Critical Mass Energy Project: There is a need for caution in the special review and for adequate periods of public review and comment on any regulatory action arising out of the special review.

State of New Jersey: The Bureau of Nuclear Engineering is concerned that the CRGR review will unnecessarily accelerate the schedule for completion of the NRC staff's analysis of the candidates identified by the marginal safety requirements program. If the CRGR review takes precedence over the work of the NRC staff, the comment period is effectively shortened and public input is eliminated.

Detroit Edison: Review all burdensome regulatory requirements using the NRC's safety goal, probabilistic risk assessments, and estimated vs. actual costs to reassess original decisions. Requirements imposed since 1981 represent a substantial portion of the total regulatory burden and were approved believing that all economic and other burdens were correctly estimated.

Many of the candidates listed in NUREG-4330 apparently were not studied further due to low frequency of mention during interviews conducted during the study's scoping phase. The NRC should more fully examine the candidates for elimination or reduction listed in NUREG-4330.

Reviewing activities to implement regulatory requirements that take place during plant outages would lead to shorter outages, higher plant capacity factors, and fewer potential challenges to safety related equipment. A specific example of such an activity is Instrumentation Response Time Testing, which is addressed in a BWR Owners' Group Technical Report planned for submittal within the next month. Instrumentation Response Time Testing yields little safety benefit in comparison of its requirements.

The regulatory burden of the Maintenance Rule (10 CFR 50.65) will be much greater than originally intended by the Commission and out of proportion with any safety benefit. Experience gained since the enactment of the Maintenance Rule provides a clearer idea of the resources necessary to implement the rule. Once the implementation guidance is formulated, the actual safety benefits will also become clearer.

Yankee Atomic: NRC's rationale for deciding on regulatory changes based on marginal safety significance is deficient in that it does not take into account all costs born by the licensees. For example, no action is intended on post-accident sampling system requirements "* * * the costs of installing [the systems] have already been expended * * *: The obvious assumption is that maintenance, testing, training, procedure development and maintenance are all without cost for the many years the system will remain installed.

NUMARC: The NRC should move toward non-prescriptive and performance based requirements.

New York Power Authority: Greater use should be made of PRA, i.e., place the basis of regulation more on risk considerations.

Yankee Atomic: The NRC should improve in its use of PRA to discriminate new requirements.

NUMARC: The special review should consider regulations promulgated since 1981 as well as earlier regulations.

NUMARC: There is a need to look at the entire process. The NRC's recent regulatory impact survey is encouraging in this regard.

Preliminary Category

Other (no category). These comments appear to be outside the scope of this special review. Nevertheless, they are being considered, as appropriate, in specific contexts. For example, the Commission has already expressed a policy of moving towards non-prescriptive regulations in the CRGR charter and has provided appropriate guidance to the NRC staff on the use of PRA results. The Commission's instructions clearly indicate that normal rulemaking procedures will continue to be followed. If any rule changes are proposed, there will be ample opportunity for public notice and comment.

Issue X1: Authorization of reactor licensees to receive back their own waste sent off-site for processing

Summary of Comment:

NUMARC: NUMARC urges NRC to expedite rulemaking to allow receipt back of wastes in light of pending denial

of access to low level waste (LLW) facilities.

Preliminary Category

Category II: While the action proposed would reduce a regulatory burden without reducing protection of the public health and safety, the comment does not provide information warranting an acceleration of the current rulemaking process. The staff proposes to continue the expedited process detailed in SECY–92–062, Attachment 2, which proposes the rulemaking required in the comment.

Issue X2: Coordination of rules promulgated by NRC and States

Summary of Comment

U.S. Council on Energy Awareness: Radiopharmaceutical licensees are being unduly affected by standards promulgated by individual states (Agreement and non-Agreement) which are diverging from the NRC's, e.g., in standards for atmospheric emissions, low-level waste disposal, decommissioning, and residual contamination limitations. The NRC should take a lead role in resolving these issues and clarifying responsibility for regulation NARM and NORM through the Committee on Interagency Radiation Research and Policy Coordination (CIRRPC) and the Conference of Radiation Control Protection Directors (CRCPD).

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNM/SNM): "In its petition for review of the Quality Management Rule, the ACNP/SNM): requested NRC to consider why the rule was made a matter of compatibility for Agreement States which believe that their current regulatory programs are adequate."

Preliminary Category:

Category III for the USCEA comment. Any standards promulgated by the States in the areas mentioned are required under the principle of compatibility to reflect Federal standards (those of EPA and NRC). NRC actively works with the States, CIRRPC, CRCPD, and other Federal agencies to eliminate areas of conflict or overlap in regulations. NRC has no authority or responsibility for the regulation of NARM or NORM radionuclides because they are specifically excluded from the Atomic Energy Act. Congress has on several occasions declined to give NRC authority for them. No action is needed.

Category III for the ACNM/SNM comment. The comment offers no new information. The Commission is currently reviewing its policy on compatibility regarding Agreement State programs which are similar to NRC programs. Im promulgating the Quality Management Rule, NRC considered issues of compatibility and determined that the definitions regarding misadministrations should be assigned strict (or level 1 division) of compatibility. This was done so that NRC could compare on a one-for-one basis that performance of Agreement State vs. NRC medical licensees. The other parts of the Quality Management Rule was assigned a level 2 division of compatibility to allow some degree of flexibility to the states in adopting the rule.

Issue X3: Quality Management Rule

Adequacy of the Final Quality Management Rule to protect public health and safety and consideration of existing oversight.

Summary of Comment

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNP/SNM): The Final Rule "does not enhance public health and safety" and "does not recognize the existing professional oversight of medical practitioners."

U.S. Council for Energy Awareness (USCEA): "In the recently issued NRC regulations which address the radiopharmaceutical practices, the regulations conflict directly with . . . the therapeutic treatment of cancer patients and the support requirements of nuclear medicine patients."

Preliminary Category:

Category III for the ACNP/SNM comment: The ACNP/SNM did not provide new information showing that removing the current regulation will not reduce the protection of public health and safety. The ACNP/SNM filed a petition for review of the final rule and the oral arguments are scheduled for May 12, 1992 in the U.S. Court of Appeals for the District of Columbia.

Category III for the USCEA comment. The USCEA did not provide adequate information to determine the regulatory burden and the public health and safety issues involved. The rule is under court review.

Issue X4: Potential conflict of NRC regulations with the practices of pharmacy

Summary of Comment

U.S. Council for Energy Awareness (USCEA): "In the recently issued NRC regulations which address the radiopharmaceutical practices, the regulations conflict directly with the practice of pharmacy . . . Significantly less prescriptive requirements could be much more effectively utilized in this area of regulation." This appears to refer to the Quality management Rule and the Interim Final Rule.

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNP/SNM): The rule has an adverse effect on the practice of nuclear medicine and pharmacy and should be withdrawn.

Preliminary Category

Category III. The Interim Final Rule has an expiration date (August, 1993) and is currently in an open comment period. The staff also expects to address the issues underlying the Interim Final Rule in a proposed rulemaking this summer or fall in response to the 1989 ACNP/SNM petition for rulemaking.

Issue X5: Contamination monitoring of packages containing radioactive gases or special form sources

Summary of Comment

William J. Morris, CHP: This regulatory burden is unnecessary because gases will not cause contamination on the outside of the package and special form sources, by design, present very little, if any contamination hazard during transportation.

Preliminary Category

Category II. NMSS recommends that 20.1906(b) be amended to exempt packages containing radioactive gases and special form sources from the contamination monitoring requirement of 20.1906. This exemption would have little safety impact because leak testing of the sealed sources would still be required.

Issue X6: Performance documentation of additional surveys of portable gauges and radiography sources under 10 CFR 20.1906(b)

Summary of Comment

William J. Morris, CHP: The regulatory analysis and statements of consideration did not recognize or discuss the regulatory impact or operational history; NRC inspection findings and reports of abnormal occurrences have not shown any transportation problems of special form sources.

Preliminary Category

Category III. NMSS is preparing a policy and guidance directive that will instruct license reviewers to allow fixed and portable gauge users to monitor

their wipe samples with their portable survey meters to meet the requirements of 20.1906(b).

Issue X7: Emergency plans for certain fuel-cycle and materials licensees pursuant to 10 CFR 30.22(i), 40.31(j), and 70.22(i)

Summary of Comment

U.S. Council of Energy Awareness (USCEA): The requirement for a full-scale emergency plan is excessive and unnecessarily burdensome because fires are the only events that could possibly require offsite protective measures and NRC requirements go well beyond what would be required to respond to fires.

Preliminary Category

Category III. The requirement for emergency plans could not be removed without some reduction in the level of protection of public health and safety. Identical comments were considered when the final rules was published on April 7, 1989 (54 FR 14051). In its response to comments that the rule was not needed, the Commission stated, "Any system of engineered safeguards is considered to have some possibility of failure. No system could ever be perfect. Therefore, the NRC has decided to require another level of protection beyond engineered safeguards, designed to prevent or mitigate an accident, if releases could cause doses exceeding protective action guides." NRC will respond to licensees' questions to ensure clarity of requirements.

Issue X8: Incident reporting of offsite medical treatment of contaminated individuals pursuant to 10 CFR 30.50, 40.60 or 70.50.

Summary of Comment

U.S. Council for Energy Awareness (USCEA): The requirement to report contamination events pursuant to 10 CFR 30.50(b)(1), 40.60(b)(1), or 70.50(b)(1) can result in additional personnel exposure related to reporting activities, as opposed to cleanup activities. This type of situation conflicts with ALARA practices. It would be more appropriate to eliminate reporting requirements for minimal levels of contamination.

U.S. Council for Energy Awareness (USCEA): The requirement to report offsite medical treatment of a contaminated individual pursuant to 10 CFR 30.50(b)(1), 40.60(b)(3), or 70.50(b)(3) is overly restrictive.

Preliminary Category

Category III for contamination events. Removing the requirement to report unplanned contamination events would reduce NRC's ability to promptly evaluate and respond to contamination incidents; therefore, it would reduce the level of protection of public health and safety. The Commission addressed these comments when the final rule was issued on August 16, 1991 (56 FR 40757). In responding to claims that personnel exposure would increase, the Commission stated, "The reporting requirements do not relieve licensees from their responsibility to maintain radiation exposures as low as reasonably achievable." In response to requests for reporting thresholds, the final rule included thresholds to eliminate reports of trace quantities, and to eliminate reports of licensed material with a half-life less than 24 hours.

Category III for medical treatment events. Removing the requirement to report unplanned medical treatment of contaminated individuals would reduce NRC's ability to promptly evaluate and respond to the unplanned introduction of radioactive material into an emergency medical facility; therefore, it would reduce the level of protection of public health and safety. The Commission addressed this comment when the final rule was issued on August 16, 1991 (56 FR 40757). In response to this comment, the Commission stated, "The NRC is concerned about the spread of contamination at the medical facility and the possible exposure of the general public to radiation and radioactive contamination. In addition, there is always the possibility that radiation may complicate the treatment of an injury."

Issue X9: Medical license fee burden and equity

Summary of Comment

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNP/SNM): The nuclear medicine community is concerned with the impact of the fees on small materials users and their ability to recover fees through their services. Approximately 400 medical licensees have terminated their licenses due to adverse impact of fees. The fee distribution is also inequitable in that non-for-profit educational institutions are exempt, whereas not-for-profit medical facilities are liable for the full fee amount.

U.S. Committee on Energy Awareness (USCEA): For radiopharmaceuticals and medical licensees, the annual fees are overly burdensome for licensees who posses sealed sources requiring little radiological resources and negligible regulatory scrutiny.

Preliminary Category

Category III. Neither comment adds new information. These issues were considered by the Commission when it promulgated the final rule and in the proposed rule for small entities.

Public Law 101-508, the Omnibus Budget Reconciliation Act of 1990 requires that the Commission recover 100 percent of its budget authority, less appropriations from the Nuclear Waste Fund for Fiscal Years 1991 through 1995 by assessing license and annual fees. In order to comply with the law, the Commission published proposed revisions to its fee regulations in the **Federal Register** (56 FR 14870) on April 12, 1991. Based on careful evaluation of over 400 comments, the Commission issued a final rule on July 10, 1991 (56 FR 31472). As stated in the supplementary information accompanying the rule, the annual fees are to recover NRC's generic and other costs that are not recovered as identifiable services to specific licensees and applicants under 10 CFR 170. The annual fees allocate the generic costs that are attributable to a given class of licensee to that class.

With regard to the impact on NRC licensees, the Commission considered generically the adverse impact of implementing the legislation in developing the final rule. The Commission concluded that:

"to eliminate the adverse affects, the annual fees would have to be eliminated or reduced. Because Public Law 101-508 requires the NRC to assess and collect approximately 100 percent of its budget authority, a reduction in the fees assessed for one class of licensee would require a corresponding increase in the fees assessed for another class. Therefore, the impact noted cannot be eliminated without creating adverse effects for other licensees. For this reason, consideration has been given only to the effects that NRC is required to consider by law (i.e., the Atomic Energy Act, the Energy Reorganization Act, and the Regulatory Flexibility act." (56 FR 31476; July 10, 1991).

In accordance with the Regulatory Flexibility Act, the Commission considered the effect of the regulation on small entities. The final rule reduces the impact on small entities by establishing a maximum annual fee of $1,800 per licensed category for those licensees that meet the size standards established by the NRC for small entities.

Based on observations during the first five months of implementing the new annual fees, the Commission has taken action to further reduce the impact of the annual fee on small entities. On January 9, 1992, a proposed rule was

published to adjust the annual fee assessed on licensees who qualify as a small entity under the NRC's size standards (57 FR 847). The maximum annual fee of $1,800 for small entities would be continued. However, a lower tier small entity fee of $400 was proposed for small businesses and non-profit governmental jurisdictions with populations of less than 20,000. After considering public comments on the proposed rule, the Commission anticipates publishing a final rule this spring.

The staff will address the recently submitted ACNP/SNM petition for rulemaking during the upcoming year.

Issue X10: Overlapping regulatory requirements on mixed waste

Summary of Comment

While NUMARC is accurate in stating that dual regulation of mixed waste by NRC and EPA is expensive and complicated, the comment discusses the burden imposed by the cost of disposing of mixed waste without estimating what portion of the cost is due to the overlapping regulation (costs for disposing of mixed waste are dependent on many factors, including the manner in which a disposal facility contractor, or host state, chooses to amortize the fees charged to its customers for the disposal of mixed waste) and does not address, or cite, the actual overlapping or burdensome regulations.

In that the complexity involved in the management of mixed waste lies primarily in the complexity of the implementing regulations of the Resource Conservation and Recovery Act (RCRA) further action on this comment, by NRC, appears inappropriate. EPA is currently considering whether mixed waste should be regulated separately from hazardous waste and would be the agency to enforce revised RCRA regulations if it appears that this action is warranted.

Preliminary Category

Category III. The comment does not provide adequate dispositive information to rate this a Category I or II issue. The commenter recognizes that NRC has taken some initiatives to deal with mixed waste and asks for continued attention to coordination with EPA. The NRC will continue to work with EPA and the regulated community to address issues of concern to mixed waste managers.

Issue X11: Delay of a proposed rule clarifying criminal penalties regarding Medical Licensees

Summary of Comment

American College of Nuclear Physicians and Society of Nuclear Medicine (ACNP/SNM): Nuclear medicine and nuclear pharmacy "must take into consideration many variabilities such as the patient's age, sex, the stage of the disease process. NRC's stringent regulations under 10 CFR Part 35 are not compatible with appropriate practice considerations. The ASNP/SNM believe that the rule must be delayed until Part 35 regulations are revised. If the criminal rule is promulgated and enforced before that time, medical licensees may be penalized."

Preliminary Category

Category III. The criminal penalty rule does not entail a regulatory burden on licensees; with one minor exception, it is simply a restatement of existing statutory authority which clarifies those regulations which may subject a violator to penalties for willful violation, attempted violation, or conspiracy to violate regulations. The comment will be considered as part of the proposed rulemaking.

Issue X12: Agreement State use of sealed sources

Summary of Comment

Robert D. Martin, Regional Administrator, NRC Region IV: Part 150.20 places a burden Agreement State licensees and NRC staff without contributing to safety. It should be modified to permit Agreement State licensees to use sealed sources in NRC jurisdiction without filing for reciprocity and to prohibit the use of unsealed material in NRC jurisdiction under reciprocity.

Preliminary Category

Category II. The 150.20 reciprocity question as it relates to radiation safety is currently under review by NRC legal staff. The comment will be considered in the context of that review.

Issue X13: Use of forms equivalent to NRC Form 5

Summary of Comment

Department of the Navy: The Navy wants to be able to report data on their equivalent forms to comply with the new 10 CFR 20.2206.

Preliminary Category

Category III. There is no burden since licensees are permitted to report data either on equivalent forms or by electronic media as long as they contain all the information required by NRC Form 5. NRC is developing software to calculate total effective dose equivalent (TEDE) which can be used to compile and transmit Form 5 data. This should make reporting still easier for licensees.

Issue X14: Proposed regulation on general licensees; costs to the airline industry

Summary of Comment

American Airlines: The proposed regulation imposes needless costs and administrative burdens with no countervailing benefits to the public. It is an effort to register all byproduct materials and devices manufactured and sold under general license, including luminous safety devices and numerous other devices used by the airline industry. It would require the licensee to supply each of the recipients of a generally licensed device with a copy of the general license contained in 10 CFR 31.5. The regulation could cost the airline industry $6 million in annual registration fees and another $6 million in annual recordkeeping expenses.

Preliminary Category

Category III. There is a need to respond to questions by clearly communicating the intent and application of the regulation.

[FR Doc. 92-6767 Filed 3-20-92; 8:45 am]
BILLING CODE 7590-01-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 721

[OPPTS-50588A; FRL-4002-5]

Polyaromatic Urethane; Proposed Revocation of a Significant New Use Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to revoke a significant new use rule (SNUR) promulgated under section 5(a)(2) of the Toxic Substances Control Act (TSCA) for a chemical substance based on receipt of new data. The data indicate that the substance will not present an unreasonable risk of injury to human health and further regulation under section 5 of TSCA is not warranted at this time.

DATES: Written comments must be submitted to EPA by April 22, 1992.

ADDRESSES: Since some comments may contain confidential business information (CBI), all comments must be sent in triplicate to: TSCA Document Receipt Office (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-105, 401 M St., SW., Washington, DC 20460. Comments should include the docket control number. The docket control number for each of the new chemical substances covered in this SNUR is OPPTS-50588A, followed by the last four digits of the number of the proposed CFR section covering that chemical substance. Nonconfidential versions of comments on this proposed rule will be placed in the rulemaking record and will be available for public inspection. Unit IV. of this preamble contains additional information on submitting comments containing CBI.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, TSCA Assistance Office (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. EB-44, 401 M St., SW., Washington, DC 20460. Telephone: (202) 554-1404, TDD: (202) 554-0551.

SUPPLEMENTARY INFORMATION: In the **Federal Register** of November 6, 1990 (55 FR 46766), EPA issued a SNUR establishing significant new uses for polyaromatic urethane. Because of additional data EPA has received for this substance, EPA is proposing to revoke this SNUR.

I. Rulemaking record

The record for the rule which EPA is proposing to revoke was established at OPPTS-50588A (P-89-998). This record includes information considered by the Agency in developing this rule and includes the test data to which the Agency has responded with this proposal.

II. Background

EPA is proposing to revoke the significant new use and recordkeeping requirements for the following chemical substance under 40 CFR part 721 subpart E. In this unit, EPA provides a brief description for the substance, including its PMN number, chemical name (generic name if the specific name is claimed as CBI), CAS number (if assigned), basis for the revocation of the section 5(e) consent order for the substance, and the CFR citation deleted in the regulatory text section of this rule. Further background information for the substance is contained in the rulemaking record referenced above in Unit II.

PMN Number P-89-998

Chemical name: (generic) Polyaromatic urethane.
CAS Number: Not available.
Effective date of revocation of section 5(e) consent order: August 15, 1991.
Basis for revocation of section 5(e) consent order: The order was revoked based on the results of certain testing undertaken by the Company after signing the consent order. The test data demonstrate that the PMN substance, P-89-998, is chemically bonded with other polymers. Previously P-89-998 was thought to exist as a mixture with other polymers. After bonding to a polymer, P-89-998 is not released by itself to the environment. EPA has determined that the test results are valid and negate the underlying basis of the consent order. EPA no longer expects P-89-998 to be released into the environment in substantial quantities. Further, EPA has no basis to believe that the manufacture, processing, distribution in commerce, use, or disposal of the PMN substance or the polymer incorporating P-89-998 will or may present an unreasonable risk of injury to human health or the environment. Therefore, EPA has concluded that further regulation under section 5 of TSCA is not warranted at this time.
CFR citation: 40 CFR 721.2568.

III. Objectives and Rationale of Proposing Revocation of the Rule

During review of the PMN submitted for the chemical substance that is the subject of this proposed revocation, EPA concluded that regulation was warranted under section 5(e) of TSCA pending the development of information sufficient to make a reasoned evaluation of the environmental effects of the substance, and EPA identified the tests considered necessary to evaluate the risks of the substance. The basis for such findings is referenced in Unit II. of this preamble. Based on these findings, a section 5(e) consent order was negotiated with the PMN submitter and a SNUR was promulgated. EPA reviewed testing conducted by the PMN submitter for the substance and determined that the information available was sufficient to make a reasoned evaluation of the environmental effects of the substance. EPA concluded that, for the purposes of TSCA section 5, the substance will not present an unreasonable risk and subsequently revoked the section 5(e) consent order. The proposed revocation of SNUR provisions for this substance designated herein is consistent with the revocation of the section 5(e) order. In light of the above EPA is proposing a revocation of SNUR provisions for this chemical substance. When this revocation becomes final EPA will no longer require notice of any company's intent to manufacture, import, or process this substance.

IV. Comments Containing Confidential Business Information

Any person who submits comments claimed as confidential business information must mark the comments as "confidential," "trade secret," or other appropriate designation. Comments not claimed as confidential at the time of submission will be placed in the public file. Any comments marked as confidential will be treated in accordance with the procedures in 40 CFR part 2. Any party submitting comments claimed to be confidential must prepare and submit a public version of the comments that EPA can place in the public file.

List of Subjects in 40 CFR Part 721

Chemicals, Environmental protection, Hazardous materials, Recordkeeping and reporting requirements, Significant new uses.

Dated: February 6, 1992.

Victor J. Kimm,

Acting Assistant Administrator for Prevention, Pesticides and Toxic Substances.

Therefore, 40 CFR part 721 is amended as follows:

PART 721—[AMENDED]

1. The authority citation for part 721 will continue to read as follows:

Authority: 15 U.S.C. 2604, 2607, and 2625(c).

§ 721.2568 [Removed]

2. By removing § 721.2568.

[FR Doc. 92-6672 Filed 3-20-92; 8:45 am]
BILLING CODE 6560-50-F

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[Docket No. 92-48, RM-7922]

Radio Broadcasting Services; Bagdad, AZ

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed by Chris Sarros seeking the allotment of FM Channel 280A to Bagdad, Arizona, as that locality's first

local aural transmission service. Petitioner is requested to provide additional information to establish Bagdad's status as a community for allotment purposes. Since Bagdad is located within 320 kilometers of the Mexican border, international coordination of this proposal with Mexico is required, pursuant to the terms of the United States-Mexican FM Broadcasting Agreement of 1972, 24 UST 1815, TIAS No. 7697. Coordinates for this proposal are 34–34–52 and 113–12–14.

DATES: Comments must be filed on or before May 8, 1992, and reply comments on or before May 26, 1992.

ADDRESSES: Secretary, Federal Communications Commission, Washington, DC, 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Chris Sarros, 3815 Northfield Avenue, Kingman, AZ 86401.

FOR FURTHER INFORMATION CONTACT: Nancy Joyner, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 92–48, adopted March 6, 1992, and released March 17, 1992. The full text of this Commisison decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, (202) 452–1422, 1714 21st St., NW., Washington, DC 20036.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

For information regarding proper filing procedures for comments, See 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6680 Filed 3–20–92; 8:45 am]

BILLING CODE 6712–01–M

47 CFR Part 73

[Docket No. 92–49, RM–7924]

Radio Broadcasting Services; Greenfield, Huntsville and Seligman, MO

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by KJEM FM, A Limited Partnership, requesting the substitution of Channel 227C1 for Channel 227C2, Seligman, Missouri, and modification of the license for Station KESE to specify operation on the higher class channel. The coordinates for Channel 227C1 are 36–28–03 and 94–10–25. To accommodate the allotment at Seligman, we shall propose the substitution of Channel 299A for Channel 228A, Station KXBR, Greenfield, Missouri, at coordinates 37–23–10 and 93–53–16 and the substitution of Channel 258A for Channel 225A, Station KFAY–FM, Huntsville, Missouri, at coordinates 36–05–35 and 93–36–16. We shall propose to modify the license for Station KESE to specify operation on Channel 227C1 in accordance with Section 1.420(g) of the Commission's Rules and will not accept competing expressions of interest for the use of the channel or require petitioner to demonstrate the availability of an additional equivalent class channel for use by such parties.

DATES: Comments must be filed on or before May 8, 1992, and reply comments on or before May 26, 1992.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Elvis Moody, KJEM, A Limited Partnership, Station KESE, 216 North Main Street, Bentonville, Arkansas 72712.

FOR FURTHER INFORMATION CONTACT: Kathleen Scheuerle, Mass Media Bureau, (202) 634–6530.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 92–49, adopted March 6, 1992, and released March 17, 1992. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Dockets Branch (Room 230), 1919 M Street, NW, Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, Downtown Copy Center, 1714 21st Street, NW., Washington, DC 20036, (202) 452–1422.

Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding.

Members of the public should note that from the tima a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contact.

For information regarding proper filing procedures for comments, see 47 CFR 1.415 and 1.420.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

Federal Communications Commission.

Michael C. Ruger,

Acting Chief, Allocations Branch, Policy and Rules Division, Mass Media Bureau.

[FR Doc. 92–6882 Filed 3–20–92; 8:45 am]

BILLING CODE 6712–01–M

INTERSTATE COMMERCE COMMISSION

49 CFR Parts 1039 and 1313

[Ex Parte No. 387; Sub-No. 964]

Railroad Transportation Contracts

AGENCY: Interstate Commerce Commission.

ACTION: Proposed Rule.

SUMMARY: The Commission is considering whether it should exempt rail carriers from the requirement to file with the Commission contracts entered into with purchasers of rail service pursuant to section 10713 of the Interstate Commerce Act (49 U.S.C. 10713). Carriers are currently required to file such contracts and amendments thereto, as well as contract summaries containing designated non-confidential elements thereof. The contracts are afforded confidential treatment and are normally available only to the parties thereto and authorized members of the Commission's staff; the contract summaries are available to the general public.

DATES: Comments are due on May 7, 1992.

ADDRESSES: Send comments (an orignal and 10 copies) referring to Ex Parte No. 387 (Sub-No. 964) to: Interstate Commerce Commission, Office of the Secretary, Case Control Branch, Washington, DC 20423.

FOR FURTHER INFORMATION CONTACT: James W. Green (202) 927–5597, Charles

E. Langyher, III (202) 927–5160. [TDD for hearing impaired: (202) 927–5721.]

SUPPLEMENTARY INFORMATION: Rail contract service has proven to be commercially successful. The volume of contract filings has shown a steady increase over the years and the Commission currently receives in excess of 70,000 contracts and summaries a year. Contract filings have become routine and there is virtually no substantive controversy with respect to them. The Commission's regulations (49 CFR 1313.15) contain provisions under which anyone allowed to file complaints against contracts can request discovery of applicable contract provisions. Since 1985, only one such discovery request has been received, although more than 190,000 contracts and amendements have been filed, and no contracts have been disapproved by the Commission.

In a recent rulemaking proceeding,[1] the Commission modified its rail contract filing regulations (49 CFR part 1313) to enable it to identify expired contracts and remove them from its files. In comments in that proceeding, the Association of American Railroads (AAR) suggested that the Commission exempt carriers from the requirement to file rail contracts. AAR asserted that an exemption would fully preserve the rights of potential complaints, while relieving carriers of filing burdens (and the Commission from storing contracts at all); that an exemption would be fully consistent with each of the exemption criteria of 49 U.S.C. 10505; and that the Commission could require carriers to submit copies of contracts when complaints were filed. While an exemption was beyond the scope of the earlier proceeding, we will take up the question here.

The filing of rail contracts with the Commission serves several purposes: it makes comprehensive rail contract information readily available to the Commission; it allows with the Act and the Commission's regulations; it allows the Commission to verify that the accompanying summaries are consistent with the terms of the actual contracts; and it ensures that contracts can be made available to petitioners upon approval of petitions to discover contract provisions. As indicated by AAR, even if an exemption is granted, the Commission can require carriers to submit contracts and/or contract amendments whenever a complaint is filed or whenever there is any other reason to do so. Thus, we do not believe our ability to deal with complaints and petitions to discover contract provisions will be materially affected by the grant of exemption. The Commission's ongoing review of contracts and summaries, and the level of information readily available to the Commission, will, however, be affected if an exemption is granted.

In our review of contracts and summaries, we typically find several thousand deficiencies each year and require carriers to make appropriate corrections. The majority of these deficiencies are technical in nature and relate to dicrepancies between contracts and their corresponding summaries. Without the contracts, we would no longer be able to detect discrepancies between contracts and summaries; however, neither the initial filings nor the corrected ones have generated complaints from shippers or ports, or substantive concerns on the part of the Commission. In these circumstances, the finding and correction of such discrepancies is of questionable value.

We have no reason to believe that carriers have intentionally misrepresented the terms of their contracts in the summaries they file, or that they would do so if an exemption is granted. Nevertheless, if carriers are not required to file contracts with the Commission, we believe it is appropriate that they utilize extra care to ensure that their contract summaries accurately reflect the corresponding contracts and amendments.

We have become aware of a general problem in connection with summaries for the so-called evergreen contracts (contracts that provide for automatic extensions, absent unilateral termination action by one or more of the parties). The summaries for such contracts typcially show the initial expiration date contained in the contract as the contract termination date, without any indication that the term is automatically extended absent unilateral termination action by one or more of the parties. We believe this misrepresents the true "life" of the contract. Thus, we are also proposing to amend the relevant filing regulations (49 CFR part 1313) to clarify that the contract duration provisions shown in summaries for evergreen contracts must reflect the automatic extension provisions contained therein.

Environmental and Energy Considerations

We preliminarily conclude that the proposed rule revisions will not affect significantly either the quality of the human environment or the conservation of energy resources.

Regulatory Flexibility Anlaysis

We preliminarily conclude that this action will not have a significant impact on a substantial number of small entities.

List of Subjects in 49 CFR Part 1039

Agricultural commodities, Intermodal transportation, Manufactured commodities, Railroads.

List of Subjects in 49 CFR Part 1313

Administrative practice and procedures, Agricultural commodities, Forests and forest products, Railroads.

Decided: March 6, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett. Commissioner Simmons dissented with a separate expression. Vice Chairman McDonald dissented in the disposition of this proceeding.

Sidney L. Strickland, Jr.

Secretary.

For the reasons set forth in the preamble, title 49, chapter X, parts 1039 and 1313 of the Code of Federal Regulations are proposed to be amended as follows:

PART 1039—EXEMPTIONS

1. The authority citation for part 1039 would continue to read as follows:

Authority: 49 U.S.C. 10321, 10505, 10708, 10762 and 11105; 5 U.S.C. 553.

2. A new section 1039.23 is proposed to be added as follows:

§ 1039.23 Railroad contracts entered into pursuant to 49 U.S.C. 10713.

Rail carriers are exempt from the provisions of 49 U.S.C. 10713 and 49 CFR part 1313 to the extent, and only to the extent, that such provisions require the filing of contracts and contract amendments with the Commission. This exemption does not extend to contract summaries or amended contract summaries. Rail carriers must immediately provide to the Commission all contracts and/or contract amendments it requests.

PART 1313—RAILROAD CONTRACTS ENTERED INTO PURSUANT TO 40 U.S.C. 10713

3. The authority citation for part 1313 would continue to read as follows:

Authority: 49 U.S.C. 10321 and 10713; 5 U.S.C. 553.

4. In § 1313.10, paragraph (b)(5)(iii) is proposed to be revised to read as follows:

[1] Ex Parte No. 387 (Sub-No. 963), Railroad Transportation Contracts, published on November 19, 1991 at 56 FR 58320.

§ 1313.10 Contract summary content—agricultural commodities.

* * * * *

(b) * * *

(5) * * *

(iii) Termination date of the contract. If the terms of the contract provide for automatic extensions or renewal, such information must be shown in connection with the termination date.

* * * * *

5. In section 1313.11, paragraph (b)(4)(iii) is proposed to be revised to read as follows:

§ 1313.11 Contract summary content—forest products and paper.

* * * * *

(b) * * *

(4) * * *

(iii) Termination date of the contract. If the terms of the contract provide for automatic extension or renewal, such information must be shown in connection with the termination date.

* * * * *

[FR Doc. 92-6641 Filed 3-20-92; 8:45 am]

BILLING CODE 7035-01-M

Notices

Federal Register
Vol. 57, No. 56
Monday, March 23, 1992

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

ACTION

Information Collection Request Under Review

AGENCY: ACTION

SUMMARY: Under the Paperwork Reduction Act (44 U.S.C., chapter 35), the Office of Management and Budget (OMB) reviews and acts upon proposals to collect information from the public or to impose recordkeeping requirements. ACTION has submitted three copies of the attached information collection proposal to OMB. ACTION is only submitting the Foster Grandparent Program survey for publication, because the Senior Companion survey asks exactly the same questions. OMB and ACTION will consider comments on the proposed collecton of information and recordkeeing requirements. ACTION is requesting an expedited review by OMB with final action by April 1, 1992 so that the approved forms will be ready for data collection beginning June 30, 1992.

DATE: OMB and ACTION will consider comments received by April 6, 1992. Comments are to be directed to both of the following addresses:

Janet Smith, ACTION Clearance Officer, ACTION, 1100 Vermont Ave., NW., Washington, DC 20525, Tel. (202) 634–9245.

Daniel Chenok, Desk Office for ACTION, Office of Management and Budget, 3200 New Executive Office Bldg., Washington, DC 20503, Tel. (202) 395–7316.

SUPPLEMENTARY INFORMATION:

Office of ACTION Issuing Proposal: Office of Management and Budget.

Title of form: ACTION Foster Grandparent Project Director Survey.

Need and use: The information collected in this survey will be used by the OAVP Income Eligibility Task Force to recommend, to the Director, statutory, regulatory, and programmatic changes in the income eligibility criteria for the Foster Grandparent and Senior Companion programs as appropriate.

Type of Request: New collection.

Frequency of Collection: Non recurring.

General Description of Respondents: Project Directors.

Estimated Number of Responses: 90.

Estimated Annual Reporting or Disclosure Burden: 45 hours.

Dated: March 12, 1992

Jane A. Kenny,

Director, ACTION

Foster Grandparent Program—Project Directory Survey

Eligibility

We would like to start by asking for your views about some of ACTION'S income eligibility criteria for the Foster Grandparent program. Based on your experience as a project director, answer questions 1–5 with the goal of maximizing your project's ability to accomplish its objectives.

Q–1 Should medical expenses be deducted from income before determining a senior's eligibility for the Foster Grandparent program? (Circle number)

1. No
2. Yes

Q–2 Whose income should be counted when determining a senior's eligibility for the Foster Grandparent program? (Circle number)

1. Income of related and unrelated persons living together and sharing expenses (No Change)
2. Only the Senior and the Spouse's Income
3. Only the Senior's Income
4. Other (Write in) _____

Q–3 In your area, based on a family size of four, which of these annual income limits would best include those seniors most people believe are low income? (Circle number)

1. Limit less than $13,400
2. $13,400 (100% of poverty)
3. $16,750 (125% of poverty)
4. $20,100 (150% of poverty)
5. $23,450 (175% of poverty)
6. $26,800 (200% of poverty)
7. Limit greater than $26,800
8. Other (Write in) _____

Q–4 Please use the space below to tell us anything else about ACTION'S income eligibility criteria that affects your project's ability to accomplish its objectives.

Assignment Development

Before volunteers can be placed, assignments must be developed. We would like to know about the stipended volunteer assignments developed for your project.

Q–4 During your last completed budget year, how many assignments involved tasks that required specific skills? Count each assignment once. Total assignments should add to the project's total number of assignments during your last completed budget year. (Write number on line—If none write 0)

Skill needed	Number of assignments at skill level (write in)
No specific skills needed	
Reading only	
Writing only	
Basic math only	
Any combination of reading, writing, math	
Other (List)	
Total assignments in project (Should add to total assignments for last completed budget year)	

Q–5 During your last completed budget year how many assignments was your project unable to fill because income eligible applicants did not have the needed skills? (Write number)

_____ Number requests not filled

Recruitment Effort

The next set of questions asks about the involvement of project staff and advisory council members in the project's recruitment effort.

Q–6 During your last completed budget year, how many of the project's advisory council members participated in recruitment activities? (Write number. If none, write 0.)

_____ Advisory council members who recruit

Q–7 For your last completed budget year, estimate the total number of hours spent by all members of your advisory council on recruitment activities. (Write number. If none, write 0)

_____ Recruiting hours by advisory council

Q–8 During your last completed budget year, how many of your staff had Foster Grandparent program responsibilities?

_____ Number of staff with foster grandparent program responsibility

Q–9 During your last completed budget year, how many of your staff had Foster Grandparent program recruitment responsibilities? (Write number)

_____ Staff who recruit

Q–10 For your last completed budget year, estimate the number of hours staff spent on requirement activities. (Write number)

_____ Recruiting hours spent by staff

Q–11 Please use the space below to tell us anything else you think is important about your recruiting effort.

Recruitment Methods

The next set of questions asks about recruitment methods used in your project.

Q–12 Projects use a variety of recruiting methods. Some recruiting methods are listed below. Read through the list and circle the number in front of every method that your project has used.

Staff Public Speaking: Where has staff used public speaking as a recruitment method?

Volunteer public speaking: Where have volunteers used public speaking as a recruitment method?

1. Senior centers, retirement centers, retirement organizations, or senior nutrition projects.
2. Church groups.
3. Senior community socials.
4. Public meetings on topics of interest to seniors.
5. Other (Write in) _____

Personal contact: Which personal contact methods were used?

6. Volunteers invite friends to apply.
7. Staff meets with residents of low income housing projects.
8. Former volunteers are invited to return when appropriate.
9. All contacts followed up with personal invitation to volunteer.
10. Personal referral by staff in another agency.
11. Networking with other volunteer agencies.
12. Other (Write in) _____

13. Senior centers, retirement centers, retirement organizations, or senior nutrition projects.
14. Church groups.
15. Senior community socials.
16. Public meetings on topics of interest to seniors.
17. Other (Write in) _____

Publicity & Advertisement: Which publicity and advertising methods were used?

18. Articles in newsletters read by retirees.
19. Notices in church bulletins.
20. News stories on radio, television or in newspapers.
21. Advertisements in newspapers.
22. Advertisements on radio.
23. Advertisements on television.
24. Other (Write in) _____

Q–13 We want to know which recruiting methods your project has found to be the most effective. Look back through the recruiting list above. What was the most, second, and third effective recruiting method the project has used? Put the numbers from the list above in each box below.

☐ Most effective recruiting method
☐ Second most effective recruiting method
☐ Third most effective recruiting method

Q–14 Please use this page to tell us what makes those recruiting methods effective.

Recruitment Difficulties

Q–15 At times, recruiting stipended volunteers may be difficult. Think back over your last completed budget year. Did your project have difficulty recruiting stipended volunteers?

1. No Skip to Q–26
2. Yes (Continue)

Listed below are some problems a project director like yourself might face when recruiting stipended volunteers. Please rate each problem from 1–5 depending on how much of a problem it is for your project.

1=No Problem
5=Major Problem

Q–16 The pool of income eligible seniors in the service area is too small. (Circle number)

no problem 1 2 3 4 5 major problem

Q–17 There are too few eligible clients in the service area. (Circle number)

no problem 1 2 3 4 5 major problem

Q–18 Action granted the project more Volunteer Service Years than the project requested. (Circle number)

no problem 1 2 3 4 5 major problem

Q–19 The competition from other programs and businesses for income eligible seniors has reduced the pool of potential volunteers in my service area. (Circle number)

no problem 1 2 3 4 5 major problem

Q–20 Volunteer stations are seeking volunteers with higher skill levels than income eligible seniors usually have. (Circle number)

no problem 1 2 3 4 5 major problem

Q–21 Applicants fail to meet ACTION's income limits. (Circle number)

no problem 1 2 3 4 5 major problem

Q–22 ACTION's income limits do not take into account the high cost of living in my service area. (Circle number)

no problem 1 2 3 4 5 major problem

Q–23 Seniors who would be eligible based on their personal income are not eligible when household income is counted. (Circle number)

no problem 1 2 3 4 5 major problem

Q–24 Low income seniors are not eligible because ACTION counts income before subtracting medical expenses. (Circle number)

no problem 1 2 3 4 5 major problem

Q–25 Please use the space below to tell us about your positive recruitment experiences and any other recruitment difficulties you may have experienced.

Transportation

Q–26 Sometimes transportation is a concern for stipended volunteers. During your last completed budget year, how may stipended volunteers used each of these types of transportation as their main way of getting to assignments? (Count each volunteer *once*. If no stipended volunteers used one type of transportation, write 0 in the boxes beside that type.)

Main type of transportation	Number of volunteers using type transport (write in)
Public transportation	
Taxi	
Privately owned vehicle	
Project transports volunteers	
Contract service transports volunteers	
Volunteers carpool	
Volunteers from other agencies transport project volunteers	
Other (List)	
Total Volunteers in Project	

Q–27 During your last completed budget year, how many assignments did the project have that could only be filled by volunteers driving privately owned vehicles? (If none, write 0)

_____Assignments that could only be filled by volunteers driving privately owned vehicles

Q–28 Is your service area covered by public transportation? (Circle number)

1. None of service area covered by public transportation

2. Part of service area covered by public transportation

3. All of service area covered by public transportation

Background

We would like to end by asking you to provide some general information about your project. (Please answer for the project's last completed budget year)

Q–29 During your last completed budget year, how many volunteer stations participated in your project? (Write number)

_____Number Stations

Q–30 During your last completed budget year, how many volunteers were paid a stipend? (Write number)

_____Number volunteers paid a stipend

Q–31 During your last completed budget year, of those volunteers who were paid a stipend, how many stopped volunteering?

_____ Number stopped volunteering

Q–32 During your last completed budget year, how many budgeted Volunteer Service Years did your project have? (Write number)

_____Number volunteer service years

Q–33 At the beginning of your last completed budget year, how many of your stipended volunteers were in the following age groups? (Circle number)

1. 60–64

2. 65–69

3. 70–74

4. 75 and older

Q–34 At the *beginning* of your last completed budget year, how many income eligible seniors were on your waiting list? (If 0, write none)

_____Number income eligible seniors on waiting list

Q–35 How many years have you been a project director? (Write number. If less than one year write 0.)

_____ Years as project director

Please give us your project grant number so we may verify that your survey has been returned. We will tear this section off and throw it away after we receive your survey.

Q–36 Please write your project grant number in the boxes below.

☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐ ☐

Project grant number

[FR Doc. 92–6548 Filed 3–20–92; 8:45 am]

BILLING CODE 6050–28–M

ADMINISTRATIVE CONFERENCE OF THE UNITED STATES

Committee on Rulemaking; Public Meeting

Pursuant to the Federal Advisory Committee Act (Pub. L. No. 92–463), notice is hereby given of the meeting of the Committee on Rulemaking of the Administrative Conference of the United States.

Committee on Rulemaking

Date: Thursday, March 26, 1992

Time: 3: p.m.

Location: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037 (Library, 5th Floor)

Agenda: The Committee will meet to discuss: (1) Procedural rule exemption project, and (2) Professor Robert Anthony's study of non-rule rulemaking.

Contact: Kevin L. Jessar, 202–254–7020

Attendance at the committee meeting is open to the interested public, but limited to the space available. Persons wishing to attend should notify the Office of the Chairman at least one day in advance. The committee chairman, if he deems it appropriate, may permit members of the public to present oral statements at the meeting. Any member of the public may file a written statement with the committee before, during, or after the meeting. Minutes of the meeting will be available on request. The contact person's mailing address is: Administrative Conference of the United States, 2120 L Street, NW., suite 500, Washington, DC 20037. Telephone 202–254–7020.

Dated March 19, 1992.

Jeffrey S. Lubbers,

Research Director.

[FR Doc. 92–6770 Filed 3–20–92; 8:45 am]

BILLING CODE 6110–01–M

DEPARTMENT OF AGRICULTURE

Meeting of the President's Council on Rural America

AGENCY: Department of Agriculture.

ACTION: Notice of meeting.

SUMMARY: The Under Secretary for Small Community and Rural Development, Department of Agriculture, is announcing a meeting of the President's Council on Rural America. The meeting is open to the public.

DATES: Meeting on Wednesday, May 27, 8 a.m. to 5 p.m., Thursday, May 28, 8 a.m. to 5 p.m., and Friday, May 29, 8 a.m. to 12 p.m.

ADDRESSES: The meeting will be held at: The Brown Palace Hotel, 321 17th Street, Denver, Colorado 80202, Phone: 303/297–3111, FAX: 303/293–9204.

FOR FURTHER INFORMATION CONTACT: Jennifer Pratt, Special Assistant to the Council, Office of Small Community and Rural Development, Room 5050, South Building, USDA, Washington, DC 20250, 202/690–4748.

SUPPLEMENTARY INFORMATION: The President's Council on Rural America was established by Executive Order on July 16, 1990. Members are appointed by the President and include representatives from the private sector and from State and local governments. The Council is reviewing and assessing the Federal Government's rural economic development policy and will advise the President and the Economic Policy Council on how the Federal Government can improve its rural development policy. The purpose of the meeting is to make decisions on a work plan for the Council task groups. The public may participate by providing written and verbal comments. Written comments may be submitted to Jennifer Pratt.

Dated: March 9, 1992.

Roland R. Vautour,

Under Secretary for Small Community and Rural Development.

[FR Doc. 92–6659 Filed 3–20–92; 8:45 am]

BILLING CODE 3410–07–M

Animal and Plant Health Inspection Service

[Docket No. 92–038]

Environmental Assessment and Preliminary Finding of No Significant Impact for Field Testing a Live Genetically Engineered Vaccinia Vectored Rabies Vaccine in New Jersey

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that an environemental assessment and preliminary finding of no significant impact has been prepared by the Animal and Plant Health Inspection Service (APHIS) and is available for comment. The environmental assessment and preliminary finding of no significant impact was prepared as part of APHIS' review of an application to conduct a field test in New Jersey of a live genetically engineered vaccinia vectored

rabies vaccine that expresses the rabies virus surface glycoprotein. The environmental assessment and preliminary finding of no significant impact indicates that the field testing of the rabies vaccine would not have a significant impact on the human environment and that an environmental impact statement need not be prepared.

DATES: Consideration will be given only to comments regarding the environmental assessment and preliminary finding of no significant impact received on or before April 7, 1992.

ADDRESSES: A copy of the environmental assessment and preliminary finding of no significant impact is available for public inspection in room 1141, United States Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC 20250 between 8 a.m. and 4:30 p.m., Monday through Friday except holidays. A copy of the environmental assessment and preliminary finding of no significant impact may also be obtained from the person listed under **"FOR FURTHER INFORMATION CONTACT".** Send an original and three copies of written comments to Chief, Regulatory Analysis and Development Staff, PPD, APHIS, USDA, room 866, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782. Please state that your comments refere to Docket No. 92–038.

FOR FURTHER INFORMATION CONTACT: Dr. Robert B. Miller, Chief Staff Veterinarian, veterinary Biologics, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 832, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436–5863.

SUPPLEMENTARY INFORMATION: The Animal and Plant Health Inspection Service (APHIS) has prepared an environmental assessment and preliminary finding of no significant impact relative to a request for authorization to conduct a field trial on or about April 15, 1992, in Atlantic, Cape May, and Cumberland Counties, New Jersey, with an experimental live vaccinia vectored rabies vaccine that expresses the rabies virus surface glycoprotein. The sponsor of the field trial is the Wistar Institute of Anatomy and Biology, Philadelphia, Pennsylvania. A limited field trial of the same vaccine was previously approved by APHIS and initiated on Parramore Island, Virginia, on August 20, 1990 (See 54 FR 9241–9242, March 6, 1989) and Sullivan County, Pennsylvania, in June, 1991 (See 59 FR 19635–19636, April 29, 1991).

As part of its preparation of an environmental assessment and preliminary finding of no significant impact (hereinafter "the document"), APHIS has consulted with the Vaccinia Subcommittee of the National Vaccine Program of the Public Health Service of the Department of Health and Human Services. The Vaccinia Subcommittee of the National Vaccine Program, consisting of scientists and physicians from the Centers for Disease Control, the National Institutes of Health, and the Food and Drug Administration, is reviewing the document with primary emphasis on the public health aspects of the field trial in New Jersey.

Environmental Assessment and Preliminary Finding of No Significant Impact

Before a veterinary biologist product can be licensed, under the Virus-Serum-Toxin Act (21 U.S.C. 151–159), it must be shown to be pure, safe, potent, and efficacious. Field testing under 9 CFR part 103.3 is necessary in order to satisfy vaccine safety requirements as a prerequisite to licensing vaccines. In the course of reviewing the field testing protocol for the vaccinia vectored rabies vaccine, APHIS assessed the impact on the human environment of authorizing the sponsor to conduct a limited field trial of the product in New Jersey.

The environmental assessment and preliminary finding of no significant impact provide the public with documentation of APHIS' review and analysis of environmental effects which would be associated with the gathering of information in the field trial.

The facts that support a preliminary finding of no significant impact are summarized below and are contained in the environmental assessment.

1. Genetic engineering procedures were employed to incorporate only the rabies glycoprotein gene within the thymidine kinase (TK) locus of vaccinia virus. The recombinant vaccine cannot induce rabies.

2. The vaccinia rabies glycoprotein (V–RG) recombinant vaccine has been shown to cause no adverse clinical signs or gross or histopathological lesions, yet is fully capable of eliciting an immune response that protects a variety of species from virulent rabies virus challenge. The V–RG recombinant vaccine in target and non-target species is unable to evoke antibodies to other rabies viral structural proteins.

3. The TK gene insertion is a stable characteristic of the V–RG recombinant vaccine with a very low probability of loss or reversion.

4. The V–RG recombinant vaccine does not contain an oncogene or cancer-causing substance, and does not contain any new genetic information to enhance the likelihood of it becoming oncogenic.

5. Biological transmission of the V–RG recombinant vaccine could not be demonstrated in laboratory studies involving more than 40 species of domesticated and wild mammals and birds.

6. In rare instances, contact (mechanical) transmission between animals was observed immediately after oral administration of the V–RG vaccine. No adverse effects from these transmissions were observed, and no adverse outcomes are expected from similar exposures during the field trial.

7. Laboratory containment experiments demonstrate that the V–RG vaccine is non-pathogenic, safe, and efficacious in a variety of laboratory animal model systems and a number of target and non-target species, including the major terrestrial wildlife and domestic animal reservoirs of rabies.

8. Previous field trials of V–RG vaccine in Europe, Virginia, and Pennsylvania have not demonstrated adverse effects of V–RG vaccine for workers, local human populations, or wildlife.

9. In the proposed field trial, vaccine-bait units will remain on site until consumed or biodegraded. This potential short term persistence of V–RG vaccine on site is not anticipated to have an adverse impact on the environment.

10. Monitoring of wildlife and human populations in the area of the field trial will continue for one year after the initiation of the trial. Based on the foregoing, APHIS has made a determination that the field trial of the live vaccinia vectored rabies vaccine that expresses the rabies surface glycoprotein would have no significant impact on the human environment.

The environmental assessment and preliminary finding of no significant impact have been prepared in accordance with: (1) the National Environmental Policy Act of 1969 (NEPA, 42 U.S.C 4321 *et seq.*), (2) Regulations of the Council on Environmental Quality for Implementing the Procedural Provisions of NEPA (40 CFR parts 1500–1508), (3) USDA Regulations Implementing NEPA (7 CFR part 1b), and (4) APHIS Guidelines Implementing NEPA (44 FR 50381–50384, August 28, 1979, and 44 FR 51272–51274, August 31, 1979).

Done at Washington, DC this 18th day of March 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-6661 Filed 3-20-92; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 92-039]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are advising the public that four applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applications referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under "**FOR FURTHER INFORMATION CONTACT.**"

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology Permits, Biotechnology, Biologics, and Environmental Protection, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which Are Plant Pests or Which There Is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regulations, the Animal and Plant Health Inspection Service has received and is reviewing the following applications for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date recov-ered	Organism	Field test location
92-055-01	Monsanto Agricultural Co	02-24-92	Soybean plants genetically engineered to express the enzyme 5-enolpyruvyl shiki-mate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Montgomery County, VA.
92-056-01	ICI Seeds, Inc.	02-25-92	Corn plants genetically engineered to express genes from a non-pathogenic source organism for tolerance to the herbicide glufosinate.	Boone County, IA.
92-057.01, renewal of permit 90-360-01, issued on 04-24-91.	University of Idaho	02-26-92	Potato plants genetically engineered to express an enzyme that confers tolerance to the herbicide bromoxynil.	Bingham County, ID
92-062-01	Campbell Research and Development	03-02-92	Tomato plants genetically engineered to express a delta-endotoxin protein from *Bacillus thuringiensis* subsp. *kurstaki* strain HD-73 for resistance to lepidopteran insects.	Yolo County, CA.

Done in Washington, DC, this 18th day of March 1992.

Robert Melland,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-662 Filed 3-20-92; 8:45 am]

BILLING CODE 3410-34-M

[Docket No. 92-024]

Receipt of Permit Applications for Release Into the Environment of Genetically Engineered Organisms

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice

SUMMARY: We are advising the public that 23 applications for permits to release genetically engineered organisms into the environment are being reviewed by the Animal and Plant Health Inspection Service. The applications have been submitted in accordance with 7 CFR part 340, which regulates the introduction of certain genetically engineered organisms and products.

ADDRESSES: Copies of the applictions referenced in this notice, with any confidential business information deleted, are available for public inspection in room 1141, South Building, U.S. Department of Agriculture, 14th Street and Independence Avenue, SW., Washington, DC, between 8 a.m. and 4:30 p.m., Monday through Friday, except holidays. You may obtain a copy of these documents by writing to the person listed under "**FOR FURTHER INFORMATION CONTACT**".

FOR FURTHER INFORMATION CONTACT: Dr. Arnold Foudin, Deputy Director, Biotechnology, Biologics, and Environmental Protection, Biotechnology Permits, Animal and Plant Health Inspection Service, U.S. Department of Agriculture, room 850, Federal Building, 6505 Belcrest Road, Hyattsville, MD 20782, (301) 436-7612.

SUPPLEMENTARY INFORMATION: The regulations in 7 CFR part 340, "Introduction of Organisms and Products Altered or Produced Through Genetic Engineering Which are Plant Pests or Which There is Reason to Believe Are Plant Pests," require a person to obtain a permit before introducing (importing, moving interstate, or releasing into the environment) into the United States certain genetically engineered organisms and products that are considered "regulated articles." The regulations set forth procedures for

obtaining a permit for the release into the environment of a regulated article, and for obtaining a limited permit for the importation or interstate movement of a regulated article.

Pursuant to these regultions, the Animal and Plant Health Inspection Service has received and is reviewing the following applictions for permits to release genetically engineered organisms into the environment:

Application No.	Applicant	Date received	Organism	Field test location
92-034-01, renewal of permit 90-332-04, issued on 03-06-91.	DeKalb Plant Genetics	02-03-92	Corn plants genetically engineered to express the *bar* gene for tolerance to the herbicide bialaphos.	DeKalb County, IL.
92-034-02, renewal of permit 90-310-01, issued on 03-20-91.	U.S. Department of Agriculture, Agricultural Research Service.	02-03-92	Potato plants genetically engineered to express a modified *Galleria mellonella* larval serum protein for resistance to blackspot bruise.	Bingham County, ID; Aroostook County, ME; Clay County, MN; Grand Forks County, ND.
92-034-03	Heinz U.S.A.	02-03-92	Tomato plants genetically engineered to express an antisense pectin methylesterase (PME) chimeric gene to increase the soluble solid content.	San Joaquin County, CA.
92-035-01	Rogers NK Seed Co.	02-04-92	Tomato plants genetically engineered to express a delta-endotoxin protein from *Bacillus thuringiensis* subsp. *kurstaki* for resistance to lepidopteran insects.	Yolo County, CA.
92-035-03	Campbell Research and Development.	02-04-92	Tomato plants genetically engineered to express an anti-sense poly-galacturonase (PG) gene.	Yolo County, CA.
92-035-05	DNA Plant Technology Corp.	02-04-92	Tomato plants genetically engineered to express an anti-sense ACC gene to delay ripening.	Contra Costa County, CA.
92-036-01, renewal of permit 90-345-02, issued on 05-02-91.	Washington State University	02-05-92	Potato plants genetically engineered to express disease resistance response genes from the pea.	Benton County, WA.
92-037-01	Monsanto Agricultural Co.	02-06-92	Tomato plants genetically engineered to express tolerance to the herbicide glyphosate.	Jersey County IL.
92-037-02	Monsanto Agricultural Co.	02-06-92	Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Bertie and Wayne Counties, NC.
92-037-03	Monsanto Agricultural Co.	02-06-92	Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Columbia County, WI.
92-037-04	Monsanto Agricultural Co.	02-06-92	Corn plants genetically engineered to express a delta-endotoxin protein form *Bacillus thuringiensis* subsp. *kurstaki* for resistance to lepidopteran insects and to express tolerance to the herbicide glyphosate.	Jersey County, IL.
92-037-05	Monsanto Agricultural Co.	02-06-92	Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Macon County, AL; Crittenden and MS Counties, AR; Kent County, DE; Dougharty and Sumpter Counties, GA; Champaign, Jersey, Macon, St. Clair, and Warren Counties, IL; Marshall, Tippecanoe, and Tipton Counties, IN; Carroll, Franklin, Jasper, and Story Counties, IA; Caldwell, Fayette, and Hopkins Counties, KY; East Baton Rouge, St. Landry, and Tensas Parishes, LA; Prince Georges and Worcester Counties, MD; Ingham County, MI; Blue Earth, Watonwan, and Waseca Counties, MN; Tunica and Washington Counties, MS; Boone and Gentry Counties, MO; Lancaster and Saunders Counties, NE; Allen, Franklin, and Pickaway Counties, OH; Florence County, SC; Gibson, Hardeman, and Obion Counites, TN; Brazoria and Chambers Counties, TX.

Application No.	Applicant	Date received	Organism	Field test location
92-037-06	Monsanto Agricultural Co.	02-06-92	Soybean plants genetically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Crittenden and Jackson Counties, AR; Oglethrope County, GA; Chautauqua County, KA; Alexander and Henry Counties, IL; Hamilton and Morgan Counties, IN; Des Moines and Hamilton Counties, IA; Ballard County, Kentucky; St. Landry Parish, LA; Ottawa County, MI; Washington County, MS; Shelby and Pemiscot Counties, MO; Webster County, NE; Fayette County, OH; Barnwell County, SC; Fayette County, TN; Greensville County, VA.
92-037-07	Upjohn Co.	02-06-92	Cantaloupe and squash plants genetically engineered to express the coat protein genes of cucumber mosaic virus (CMV), watermelon virus 2 (WMV2) and zucchini yellow mosaic virus (ZYMV) for resistance to these viruses.	Maricopa County, AZ; Colusa, Merced, and Imperial Counties, CA; Collier County, FL; Atkinson and Spaulding Counties, GA; Kane and Pope Counties, IL; Berrien County, MI; Huron County, OH; Reeves County, TX.
92-041-01	MonsantoAgricultural Co.	02-10-92	Soybean plants gentically engineered to express the enzyme 5-enol-pyruvyl shikimate-3-phosphate synthase (EPSPS) and a metabolizing enzyme for tolerance to the herbicide glyphosate.	Baldwin and Macon Counties, AL; AR and Crittenden Counties, AR; Sumpter County, GA; Jersey County, IL; Warrick County, IN; Fremont County, IA; Hopkins County, KY; East Baton Rouge and Tensas Parishes, LA; Queen Annes and Worcester Counties, MD; Tunica and Washington Counties, MS; New Madrid County, MO; Florence County, SC; Obion County, TN.
92-041-02	Northrup King Co.	02-10-92	Alfalfa plants genetically engineered to express the phosphinothricin acetyltransferase (PAT) gene, for tolerance to the herbicide glufo-sinate.	Goodhue County, MN; or Dane County, WI.
92-042-01	Ciba-Geigy Corporation	02-11-92	Corn plants genetically engineered to express the phosphinothricin acetyltrans-ferase (PAT) gene, for tolerance to the herbicide glufo-sinate, and a a delta-endo-toxin protein from *Bacillus thuringiensis* subsp. *kurstaki* strain HD1 for resistance to lepidopteran insets.	McLean County, IL.
92-042-02, renewal of permit 97-067-01, issued on 03-08-91.	Pioneer Hi-Bred International, Incorporated.	02-11-92	Sunflower plants genetically engineered to express a methionine-rich seed storage protein from Brazil nut.	Yolo County, CA.
92-043-01	Hoechst-Roussel Agri-Vet Company	02-12-92	Corn plants genetically engineered to express the phosphinothricin N-acetyltrans-ferase (PAT) gene, for tolerance to the herbicide glufosinate.	Goodhue and Freeborn Counties, MN.
92-043-02	Upjohn Company	02-12-92	Soybean plants genetically engineered to express the B-glucuronidase (GUS) and phosphinothricin acetyltrans-ferase (PAT) enzymes for tolerance to the herbicide bialaphos.	Henry County, IL; Louisa County, IA; Washington County, MS; Saunders County, NE.
92-043-03, renewal of permit 91-051-03, issued on 05-30-91.	Upjohn Company	02—92	Soybean plants genetically engineered to express the B-glucuronidase (GUS) and phosphinothricin acetyltrans-ferase (PAT) enzymes for tolerance to the herbicide bialaphos.	Crittenden County, AR; Christian County, IL; and Queen Annes County, MD.
92-045-01, renewal of permit 90-332-01, issued on 04-17-91.	U.S. Department of Agriculture, Agricultural Research Service.	02-14-92	Potato plants gentically engineered to express a gene coding for an insect protein (cecropin B) for anit-bacterial activity.	Bingham County, ID; Arrostock County, ME; Clay County, MN; Grand Forks and Cass Counties, ND.
92-045-02, renewal of permit 90-345-01, issued on 05-02-91.	U.S. Department of Agriculture, Agricultural Research Service.	02-14-92	Potato plants gentically engineered to express a gene coding for an insect protein (cecropin B) for anit-bacterial activity.	Bingham County, ID; Arrostock County, ME; Clay County, MN; Grand Forks and Cass Counties, ND.

Done in Washington, DC, this 18th day of March 1992.

Robert Melland

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 92-6600 Filed 3-20-92; 8:45 am]

BILLING CODE 3410-34-M

Forest Service

Draft Supplement to the White Stallion Final Environmental Impact Statement; Bitterroot National Forest, Ravalli County, MT

AGENCY: Forest Service, USDA.

ACTION: Notice; intent to supplement a final environmental impact statement.

SUMMARY: The Forest Service will supplement the February 1991 White Stallion Final Environmental Impact Statement (FEIS). The legal notice for this FEIS was published April 3, 1991. The Draft Supplement is being prepared because the March 15, 1991 Record of Decision was appealed and, upon review by the Deputy Regional Forester, the decision to implement timber harvesting and road construction was reversed back to the Bitterroot National Forest Supervisor until further analysis could be done. The appeal issue centered around the failure of the FEIS to adequately address the cumulative effects of private land timber harvesting activities upon old-growth dependent species. These harvesting activities occur in both the Sleeping Child drainage and in the North Fork of Rye Creek. The original assessment area will be increased to include all of this harvesting activity and part of the Skalkaho Creek drainage. The Draft Supplement will document this additional analysis.

DATES: Public comments concerning the Draft Supplement and the scope of the analysis should be submitted by April 15, 1992.

ADDRESSES: Send written comments to District Ranger, Darby Ranger District, PO. Box 266 Darby, MT 59829.

FOR FURTHER INFORMATION CONTACT: Questions about the Draft Supplement should be directed to Rick Floch, Darby Ranger District, Phone: (406) 821–3913.

SUPPLEMENTARY INFORMATION: The Draft Supplement will address the cumulative effects of timber harvesting and associated access road construction on adjacent private lands to old-growth dependent species.

Management activities under consideration would occur only in an area encompassing approximately 8,300 acres of multi-ownership lands in the Sleeping Child drainage. To assess effects on old-growth dependent species, the assessment area has been expanded from its original size. It is now bounded by Skalkaho Creek and Daly Creek on the north, the Sapphire Divide on the east, Rye Creek on the south and the National Forest boundary to the west and encompasses approximately 124,000 acres. A portion of the assessment area being considered for harvest and roading is within the Sleeping Child Roadless Area (X1074).

The Draft Supplement will also further address the roadless issue by analyzing a new alternative that proposes harvest activities outside of the roadless area, only, with no new road construction.

Scoping and identification of the environmental issues for the White Stallion proposed actions were discussed in the FEIS.

The Draft Supplement is expected to be available to the public early in May 1992. The comment period on the Draft will be 45 days from the date the EPA's notice of availability appears in the **Federal Register**. It is very important that those interested in the Supplement participate by the close of the 45-day comment period so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the Final Supplement to the White Stallion Final Environmental Impact Statement.

The responsible official, who is the Forest Supervisor, will consider the comments and responses to the White Stallion FEIS and Draft Supplement, environmental consequences discussed in the Final Supplement; and applicable laws, regulations, and policies in making a decision regarding the White Stallion proposal.

The responsible official will document the decision and reasons for the decision in the Record of Decision. The decision will be subject to review under applicable Forest Service Regulations.

Dated: March 13, 1992.

James D. Glevanik,

Acting Forest Supervisor, Bitterroot National Forest.

[FR Doc. 92–6584 Filed 3–20–92; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Agency Form Under Review by the Office of Management and Budget (OMB)

DOC has submitted to OMB for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35).

Agency: National Oceanic and Atmospheric Administration.

Title: Alaska Region Logbook Family of Forms.

Form Number: No form numbers assigned.

OMB Approval Number: 0648–0213.

Type of Request: Extension of the expiration date of a currently approved collection.

Burden: 40,705 hours [4,621 for reporting hours, 36,084 recordkeeping hours].

Number of Respondents: 198 for reporting hours; 2,177 recordkeepers.

Avg. Hours Per Respondent: 23.3 for reporting hours; 16.6 for recordkeepers.

Needs and Uses: Logbooks are needed to obtain fishery management dependent data on fishing catch, fishing effort and associated biological and economic information from fishermen. Data are used for stock assessments, quota compliance, regulatory analyses and fishery monitoring.

Affected Public: Individuals or households, businesses or other for–profit institutions, small businesses or organizations.

Frequency: Recordkeeping, weekly, quarterly, on occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: Ronald Minsk, (202) 395–3084.

Copies of the above information collection proposal can be obtained by calling or writing Edward Michals, DOC Forms Clearance Officer, (202) 377–3271, Department of Commerce, room 5312, 14th and Constitution Avenue, NW., Washington, DC 20230.

Written comments and recommendations for the proposed information collection should be sent to Ronald Minsk, OMB Desk Officer, room 3019, New Executive Office Building, Washington, DC 20503.

Dated: March 17, 1992.

Edward Michals,

Departmental Forms Clearance Officer, Office of Management and Organization.

[FR Doc. 92–6628 Filed 3–20–92; 8:45 am]

BILLING CODE 3510–CW

International Trade Administration

[A-508-604]

Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Administrative Review and Revocation in Part of the Antidumping Duty Order

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of final results of antidumping duty administrative review and revocation in part of the antidumping duty order.

SUMMARY: On December 27, 1991, the Department of Commerce published the preliminary results of its administrative review and its intent to revoke in part the antidumping duty order on industrial phosphoric acid from Israel (56 FR 67059). The review covers two manufacturers and/or exporters of this merchandise to the United States and the period August 1, 1989 through July 31, 1990. We have now completed this review and determine the dumping margins to be zero for Negev Phosphates and 6.82 percent *ad valorem* for Haifa Chemicals. The Department is revoking the antidumping duty order with respect to Negev Phosphates.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Gayle Longest or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377–2786.

SUPPLEMENTARY INFORMATION:

Background

On December 27, 1991, the Department of Commerce (the Department) published in the **Federal Register** the preliminary results of its administrative review and intent to revoke in part the antidumping duty order on industrial phosphoric acid from Israel (56 FR 67059). We have now completed this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

Scope of Review

Imports covered by this review are shipments of industrial phosphoric acid (IPA). This product is currently classifiable under item number 2809.20.00 of the Harmonized Tariff Schedule (HTS). The written description remains dispositive.

The review covers two manufacturers/exporters to the United States of the subject merchandise, Negev Phosphates and Haifa Chemicals, and the period August 1, 1989 through July 31, 1990.

Revocation in Part

In the first and second administrative reviews of this order, Negev made no sales at less than fair value and was assessed a zero percent margin. During the third administrative review and pursuant to 19 CFR 353.25, Negev requested revocation of the order as it pertained to Negev.

The Department has determined that Negev has not had sales at less than fair value for at least three consecutive years. In addition, as provided in 19 CFR 353.25(a)(2)(iii), Negev has agreed in writing to an immediate suspension of liquidation and reinstatement of the order if circumstances develop which indicate that IPA exported to the United States by Negev is being sold at less than fair value. Therefore, we are revoking the antidumping order on IPA with respect to Negev. This partial revocation applies to all unliquidated entries of this merchandise produced by Negev and exported to the United States entered, or withdrawn from warehouse, for consumption, on or after August 1, 1990, the date stated in our tentative determination to revoke the order.

Analysis of Comments Received

We gave interested parties an opportunity to comment on the preliminary results. We received comments from the petitioners, FMC Corporation and Monsanto, and Negev, the only Israeli producer/exporter responding to our questionnaire.

Comment 1: The petitioners argue that there is sufficient evidence before the Department to create "reasonable grounds to believe or suspect" that Negev Phosphates has made below-cost sales in its home market. According to petitioners, under the statutory provision, Commerce must conduct a cost of production (COP) investigation whenever it has "reasonable grounds to believe or suspect" that below-cost sales have taken place (19 U.S.C. section 1677b(b)), and the standard for initiation of a COP investigation is that the information must support "a specific and objective basis for suspecting that a particular foreign firm is engaged in sales below its cost of production." *Al Tech Specialty Steel Corp.* v. *United States*, 575 F.Supp. 1277, 1282 (CIT 1983), *aff'd on other grounds*, 745 F.2d 632 (Fed. Cir. 1984) ("*Al Tech*"). Petitioners argue that their "legal burden" is not to show conclusively and precisely that below cost sales have been made, and claims that the Department is encouraged to undertake COP investigations on minimal information, citing *Connors Steel Company* v. *United States*, 527 F.Supp. 350, 357 (CIT 1981), *modified*, 566 F.Supp. 154 (CIT 1982).

The petitioners maintain that the evidence indicating below-cost sales consists of three elements: (1) A significant differential in home market prices reported by Negev; (2) a consultancy study prepared by an outside expert estimating Negev's cost of producing IPA submitted previously by petitioners; and (3) Negev's annual report for 1990 which shows an operating loss.

The petitioners argue that substantial price differentials in Negev's home market sales reveal that there are two distinct groups of sales, higher-priced sales and lower-priced sales. Moreover, petitioners claim that the inclusion of the lower-priced sales in the Department's calculation is the determining factor in whether a dumping margin is found in this review. Petitioners also argue that the extremely low prices of certain sales should raise some suspicion that those sales were below the cost of production. In addition, petitioners argue that a consultancy study provided by an industry expert indicates that the lower-priced sales in Negev's questionnaire response were below two cost estimates contained in the study. This study was submitted to the Department on April 29, 1991 in support of petitioners' request for the initiation of a cost-of-production investigation. Finally, the petitioners maintain that Negev's operating loss, reported in the statement of income (loss) and retained earnings included in the 1990 annual report, indicates that a COP investigation is justified.

Negev argues that the Department should again deny the petitioners' request for a COP investigation. Negev claims that the Department correctly denied the request earlier in this administrative review, and petitioners have merely resubmitted the same request after both the verification and the preliminary determination. Negev maintains that petitioners' evidence of sales below cost is not sufficient to justify a COP investigation.

Negev argues that the fact that the prices of some home market sales are lower than others provides no real evidence of below-cost sales. Negev cautions that margins may result in any antidumping calculation if lower-priced home market sales are eliminated. Moreover, Negev argues that the consultancy study was already determined by the Department to be insufficient to justify a COP investigation, and the flaws in the study which the Department previously identified still remain.

Negev further argues the minimal loss reported in its 1990 annual report does not indicate sales below cost, particularly since Negev showed significant profits in 1989. Negev maintains that if there were a correlation between the petitioners' cost/price analysis and Negev's profits, there would have to be losses in both years. Moreover, according to Negev's questionnaire response, during the review period, home market sales of IPA were a very small percentage of Negev's total sales. Therefore, the minimal loss in 1990 cannot be considered evidence that some IPA sales in the home market are below cost, because these sales represent too minimal a percentage of Negev's total revenue to impact its profit as suggested by petitioners.

Department's Position: We disagree with the petitioners' contention that their allegation of home market sales below cost is supported by sufficient evidence to prompt the Department to initiate a COP investigation. Petitioners are correct that, to initiate a COP investigation, the Department must have before it a "specific and objective basis" for suspecting that a firm is selling in the home market at prices below its cost of production. However, they are incorrect when they claim their burden is not to sow that below-cost sales have actually occurred. The Court of International Trade stated in *Nakajima All Co. LTD.* v. *United States*, 744 F. Supp. 1168, (CIT 1990) ("*Nakajima*") that though section 1677b(b) requires "'only a showing that sales have been made at below cost, not substantial sales', *such a showing, nonetheless, must be made.*" (emphasis added). Petitioners have not made such a showing.

For their allegation of sales below cost, petitioners rely upon a consultant's report addressing production costs for certain worldwide producers of industrial phosphates. The report was based upon data gathered sometime during or before 1986, fully three years earlier than the sales under review here, and petitioners made no attempts to adjust the 1986 cost data for the known production circumstances of the company during the current review period, as indicated by the questionnaire response. (See, May 24, 1991 memorandum to the file; Petitioners' April 29, 1991 Allegation of Sales Below Cost by Negev Phosphates—Industrial Phosphoric Acid from Israel—Third Administration Review). The Department stated in its April 24 memorandum that, since the petitioners had failed to make any attempt to adjust their outdated data, it was difficult to evaluate adequately the validity of their price-to-cost comparisons. Moreover, allegations of sales below cost must be made on data contemporaneous with the sales under review. See, Al Tech Steel, Nakajima, and Initiation of Antidumping Duty Investigation; Pressure Sensitive PVC Battery Covers from the Federal Republic or Germany, (55 FR 5868; February 20, 1990)).

On other points raised by the petitioners, we consider that the presence of lower-priced home market sales is a characteristic of virtually every case and cannot be taken as evidence of sales below cost. Furthermore, the loss reported in Negev's 1990 annual report offers no discernible indication of the company's home market sales experience with respect to IPA. IPA is not the primary source of revenue for Negev and comprises only a part of the company's overall sale. In addition, the majority of Negev's IPA sales are export sales. Consequently, home market sales of IPA during the period of review represent a minimal portion of Negev's total revenue. Lower-priced IPA home market sales are an even smaller percentage of Negev's total sales, and could not be expected to have a significant effect on Negev's total profit or loss.

Comment 2: Negev contends that the Department should make an upward adjustment to U.S. price for countervailing duty deposits on sales in 1990, even though these duties have not yet been assessed.

Department's Position: The Department has not completed the countervailing duty administrative review that encompasses the 1990 period covered in this review and, therefore, does not have the necessary information to make such an adjustment. Moreover, in this review period, as in prior review periods, a further adjustment for countervailing duties would not change the final results for Negev because we found that Negev had no dumping margins during the review period (see, Industrial Phosphoric Acid From Israel; Final Results of Antidumping Duty Administrative Reviews, (56 FR 33248; July 19, 1991).

Comment 3: Negev argues that the Department should not compare its home market sales to related parties with its U.S. sales.

Department's Position: We disagree with the respondent. In the original investigation and the previous administrative reviews of this antidumping duty order, the Department rejected identical arguments raised by the respondent because the evidence on the record indicated related party sales were comparable in price to sales to unrelated parties (see Final Determination of Sales at Less Than Fair Value; Industrial Phosphoric Acid from Israel, (52 FR 25440; July 7, 1987, Comment 5) and Industrial Phosphoric Acid from Israel; Final Results of Antidumping Duty Administrative Review, (56 FR 33248; July 19, 1991), Comment 6). In this review, the respondents have provided neither new evidence nor any arguments as to why we should reconsider our position here.

Comment 4: Negev claims the Department should offset the commission paid to the U.S. customer with indirect selling expenses incurred on home market sales.

Department's Position: We disagree with the respondent. The Department addressed this argument in the original investigation and in previous administrative reviews of this antidumping duty order, and rejected Negev's claim because the evidence on the record did not indicate that this expense was a commission. In this review as well as in the original investigation, we verified that this expense is a fixed percentage deducted from the price of each U.S. sale. A reduction of the sale price to a purchaser, in this case by a specific fixed rate, constitutes a discount, not a commission. (see, Final Determination of Sales at Less Than Fair Value; Industrial Phosphoric Acid from Israel (52 FR 25440; July 7, 1987), Comment 2) and Industrial Phosphoric Acid From Israel Final Results of Administrative Reviews, (56 FR 33248; July 19, 1991), Comment 8). Furthermore, as in Comment 3 above, Negev failed to present new evidence or arguments that give us a basis for changing our findings.

Comment 5: Negev maintains that the Department should consider it's claim for a level of trade adjustment.

Department's Position: We disagree with the respondent. The Department denied this argument in this review as in prior reviews, because the respondent has failed to establish that the difference in selling expenses between the U.S. and home market is attributable to differences in levels of trade (see, Industrial Phosphoric Acid From Israel Final Results of Administrative Reviews, (56 FR 33248; July 19, 1991), Comment 7).

Final Results of Review

As a result of our comparison of United States price with foreign market value, we determine the margins to be:

Manufacturer/Exporter	Margin (percent)
NEGEV	0
HAIFA	6.82

The Department will instruct the Customs Service to assess antidumping duties on all appropriate entries. Individual differences between United States price and foreign market value may vary from the percentages stated above. The Department will issue appraisement instructions on each exporter directly to the Customs Service.

Furthermore, the following deposit requirements will be effective upon publication of this notice of final results of administrative review for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(1) of the Tariff Act: (1) The cash deposit rate for the reviewed companies will be as outlined above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) cash deposits for all other manufacturers or exporters will be waived as the rate would be zero. This rate represents the highest rate for any firm with shipments in the administrative review, other than those firms receiving a rate based entirely on best information available.

These deposit requirements, when imposed, shall remain in effect until publication of the final results of the next administrative review.

The notice also serves as a final reminder to importers of their responsibility under 19 CFR 353.26 to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

This administrative review and notice are in accordance with section 751(a)(1) of the Act (19 U.S.C. 1675(a)(1)) and 19 CFR 353.22.

Dated: March 17, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

[FR Doc. 92- 6686 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-DS-M

Quarterly Update of Foreign Government Subsidies on Articles of Quota Cheese

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Publication of quarterly update of foreign government subsidies on articles of quota cheese.

SUMMARY: The Department of Commerce, in consultation with the Secretary of Agriculture, has prepared a quarterly update to its annual list of foreign government subsidies on articles of quota cheese. We are publishing the current listing of those subsidies that we have determined exist.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230, telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION: Section 702(a) of the Trade Agreements Act of 1979 ("the TAA") requires the Department of Commerce ("the Department") to determine, in consultation with the Secretary of Agriculture, whether any foreign government is providing a subsidy with respect to any article of quota cheese, as defined in section 701(c)(1) of the TAA, and to publish an annual list and quarterly updates of the type and amount of those subsidies.

The Department has developed, in consultation with the Secretary of Agriculture, information on subsidies (as defined in section 702(h)(2) of the TAA) being provided either directly or indirectly by foreign governments on articles of quota cheese.

In the current quarter the Department has determined that the subsidy amounts have changed for several of the countries for which subsidies were identified in our annual subsidy list. The appendix to this notice lists the country, the subsidy program or programs, and the gross and net amount of each subsidy on which information is currently available.

The Department will incorporate additional programs which are found to constitute subsidies, and additional information on the subsidy programs listed, as the information is developed.

The Department encourages any person having information on foreign government subsidy programs which benefit articles of quota cheese to submit such information in writing to the Assistant Secretary for Import Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

This determination and notice are in accordance with section 702(a) of the TAA (19 U.S.C. 1202 note).

Dated: March 17, 1992.

Marjorie A. Chorlins,

Acting Assistant Secretary for Import Administration.

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS

Country	Program(s)	Gross [1] subsidy	Net [2] subsidy
Belgium	European Communtiy (EC) Restitution Payments	80.4¢/lb.	80.4¢/lb.
Canada	Export Assistance on Certain Types of Cheese	30.3¢/lb.	30.3¢/lb.
Denmark	EC Restitution Payments	57.8¢/lb.	57.8¢/lb.
Finland	Export Subsidy	157.6¢/lb.	157.6¢/lb.
France	EC Restitution Payments	64.9¢/lb.	64.9¢/lb.
Greece	EC Restitution Payments	86.9¢/lb.	86.9¢/lb.
Ireland	EC Restitution Payments	65.8¢/lb.	65.8¢/lb.
Italy	EC Restitution Payments	78.1¢/lb.	78.1¢/lb.
Luxembourg	EC Restitution Payments	80.4¢/lb.	80.4¢/lb.
Netherlands	EC Restitution Payments	51.4¢/lb.	51.4¢/lb.
Norway	Indirect (Milk) Subsidy	19.9¢/lb.	19.9¢/lb.

APPENDIX.—QUOTA CHEESE SUBSIDY PROGRAMS—Continued

Country	Program(s)	Gross [1] subsidy	Net [2] subsidy
	Consumer Subsidy	45.0¢/lb.	45.0¢/lb.
Portugal	EC Restitution Payments	64.9¢/lb.	64.9¢/lb.
Spain	EC Restitution Payments	47.7¢/lb.	47.7¢/lb.
Switzerland	Deficiency Payments	51.6¢/lb.	51.6¢/lb.
U.K.	EC Restitution Payments	156.6¢/lb.	156.6¢/lb.
W. Germany	EC Restitution Payments	48.5¢/lb.	48.5¢/lb.
		56.0¢/lb.	56.0¢/lb.

[1] Defined in 19 U.S.C. 1677(5).
[2] Defined in 19 U.S.C. 1677(6).

[FR Doc. 92-6684 Files 3-20-92; 8:45 am]
BILLING CODE 3510-DS-M

[C-570-816]

Preliminary Negative Countervailing Duty Determinations: Oscillating and Ceiling Fans From the People's Republic of China

AGENCY: Import Administration, International Trade Administration, Commerce.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Ross Cotjanle or Beth Graham, Office of Countervailing Investigations, Import Administration, U.S. Department of Commerce, room B-099, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone (202) 377-3534 or 377-4105, respectively.

Preliminary Determination

Case History

Since the publication of the notice of initiation in the **Federal Register** (56 FR 57616, November 13, 1991), the following events have occurred.

On November 22, 1991, we issued a questionnaire to the Government of the People's Republic of China (GPRC) in Washington, DC, concerning petitioner's allegations.

On February 6, 1992, we received responses from the GPRC and twelve companies: Esteem Industries Ltd./Holmes Products Corp./HASM Manufacturing Co.; Durable Electrical Metal Factory Ltd./Parawind Ltd./Paragon Industries; Wuxi Electric Fan Factory; and Polarary Industrial Corporation/Paragon Industries (China); Gangkou Electric Fan Factory; Xinhui Electric Motor Factory; Nanhai Flying Fan Factory; Mei De Electric Holding Co.; Guangdong Machinery and Equipment Import/Export Corporation; and CEC Electrical Manufacturing (International) Company, Ltrd.; Shell Electric Manufacturing Co.; and Wing Tat Electric Manufacturing Co., Ltd.

On March 9, 1992, we were notified of an additional producer/exporter, Chung On Household Electric Appliance Co., Ltd. We received a response from this company on March 9, 1992.

Scope of Investigation

Imports covered by these investigations constitute two separate classes or kinds of merchandise: (1) Oscillating fans; and (2) Ceiling fans.

The merchandise subject to these investigations are oscillating fans and ceiling fans. Oscillating fans are electric fans that direct a flow of air using a fan blade/motor unit that pivots back and forth on a stationary base ("oscillates"). Oscillating fans incorporate a self contained electric motor of an output not exceeding 125 watts. Ceiling fans are electric fans that direct a downward and/or upward flow of air using a fanblade/motor unit. Ceiling fans incorporate a self-contained electric motor of an output not exceeding 125 watts. Ceiling fans are designed for permanent or semi-permanent installation.

Window fans, industrial oscillating fans, industrial ceiling fans, and commercial ventilator fans are not included within the scope of these investigations. Furthermore, industrial ceiling fans are defined as ceiling fans that meet six or more of the following criteria in any combination: A maximum speed of greater than 280 revolutions per minute (RPMs); a minimum air deliver capacity of 8000 cubic feet per minute (CFM); no reversible motor switch; controlled by wall-mounted electronic switch; no built-in motor controls; no docorative features; not light adaptable; fan blades greater than 52 inches in diameter; metal fan blades; downrod mounting only—no hugger mounting capability; three fan blades; fan blades mounted on top of motor housing; single-speed motor.

The Harmonized Tariff Schedule (HTS) subheading under which oscillating fans are classifiable is 8414.51.0090. The HTS subheading under which ceiling fans are classifiable is 8414.51.0030. Although the HTS subheadings are provided for convenience and customs purposes, our written description of the scope of this proceeding is dispositive.

Application of the CVD Law

In the petition filed in this investigation petitioner alleged that regardless of the nature of the PRC economy, the PRC fans sector operates substantially pursuant to market principles and that the CVD law should apply. In our notice of initiation, we stated that the Department must decide (1) whether the PRC fans sector does, in fact, operate as a market oriented industry; and (2) if so, whether the CVD law can be applied to this sector. The facts in the petition indicated a prevalence of private and private-like ownership in the PRC fans sector. Additionally, the petitioner provided evidence that the PRC fans producers procure inputs and market their output without government intervention. For these reasons, the Department concluded that it was appropriate to investigate whether the fans producers operated as a market oriented industry and, if so, whether fans producers in the PRC receive bounties or grants within the meaning of section 303 of the Act.

Since our decision to initiate, we have developed a test for antidumping proceedings involving nonmarket economy (NME) countries to determine when available information permits the foreign market value (FMV) to be calculated using the normal market economy methodologies for calculating FMV, pursuant to section 773(c)(1)(B). If available information permits the use of our normal market economy methodologies under that section, the Department considers the industry producing the subject merchandise to be a "Market Oriented Industry" (MOI). If an industry is an MOI, the Department has effectively determined that the prices and costs in the industry are sufficiently free of NME distortion so

that they may be used in the calculation of the FMV instead of surrogate values.

In this countervailing duty investigation, the petitioner has alleged that the PRC fans industry is operating as a market oriented industry. If the Department finds that the fans industry in the PRC is an MOI, then the prices and costs to the PRC producers will be considered accurate measures of value, as discussed above. If NME prices and costs are considered by the Department to be market-determined and not significantly influenced or distorted, directly or indirectly, by central government economic planning, then the concerns of the Court of Appeals in *Georgetown Steel* v. *United States*, 801 F.2d 1308 (Fed. Cir. 1989), do not arise. Therefore, the Department is free to apply the countervailing duty law to an MOI located within a NME.

If an MOI exists, thereby permitting dumping margins to be calculated using the NME producers' actual costs and prices, the United States industries would be left at a disadvantage if they were not able to seek protection from subsidies to that industry. Moreover, the NME government could affect the calculations through subsidization with impunity if the countervailing duty law did not apply. On the other hand, if an industry is determined to be nonmarket, so that the Department would have to value the factors of production in a surrogate country, subsidies to the NME producers become irrelevant—any AD Margin would not be calculated using NME prices potentially influenced by subsidies.

Therefore, the countervailing duty law may be applied to industries in nonmarket economy countries if the Department finds that the relevant industry is an MOI.

The test used to determine whether an MOI exists appear in the Department's Preliminary Determination of Sales at Less Than Fair Value: Sulfanilic Acid from the People's Republic of China ("Sulfanilic Acid"), which will soon be published in the Federal Register. As explained in that notice, the factors the Department will consider include:

- For merchandise under investigation, there must be virtually no government involvement in setting prices or amounts to be produced. For example, state-required production or allocation of production of the merchandise, whether for export or domestic consumption in the nonmarket economy country, would be an almost insuperable barrier to finding a market-oriented industry.
- The industry producing the merchandise under investigation should be characterized by private or collective ownership. There may be state-owned enterprises in the industry, but substantial state ownership would weigh heavily against finding a market-oriented industry.
- Market-determined prices must be paid for all significant inputs, whether material or non-material (*e.g.*, labor and overhead), and for all all-but-insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. For example, an input price will not be considered market-determined if the producers of the merchandise under investigation pay a state-set price for the input or if the input is supplied to the producers at government direction. Moreover, if there is any state-required production in the industry producing the input, the share of state-required production must be insignificant.

If these conditions are not met, the producers of the merchandise under investigation will be treated as nonmarket economy producers.

In applying these factors to this investigation, we preliminarily determine, based on the responses submitted in this proceeding, that there is no government involvement in setting the prices of ceiling or oscillating fans or the amounts to be produced. Additionally, we preliminarily determine, again based on the responses, that the fans industry is primarily characterized by private and collective ownership of the producers under investigation. Only two are state-owned enterprises.

With respect to the third factor, regarding the prices paid for inputs, respondents were asked to identify their significant inputs. Certain inputs (including those sources outside the PRC) they identified were: Aluminum, bearings, blades, capacitors, connectors, interest expenses, iron rods, lamps and lampholders, machinery and equipment, management, metal, motors and motor parts, moulds, packing materials, painting materials, plastics, plating materials, shipping expenses, steel, switches, tussles, copper/enamelled/steel wire, wood, and zinc alloy.

Respondents further indicated which of these significant inputs were sourced in the PRC. The responses indicate that most of the companies under investigation source significant inputs in the PRC. Furthermore, a review of these inputs indicates that PRC-sourced inputs may account for a significant proportion of the total value of the merchandise under investigation.

In order to determine whether the prices paid for PRC-sourced inputs were market-determined, we asked the government and the fans producers to describe the level of state involvement in the setting of those prices. We also asked whether there was state-required or "in-plan" production of the inputs.

Based on their responses, we have concluded that none of the producers under investigation pay state-set prices for their PRC-sourced inputs. Nor do they receive their inputs at government direction. According to the responses, the fans producers pay market-determined prices to their suppliers.

With respect to whether there is state-required production in the industries producing the inputs, the record is not clear. For example, the government response states that it "is not aware of any fan producers who use 'class-one' products as inputs. There is no in-plan production of fans or fan inputs. It is theoretically possible for fan input suppliers to have both in-plan and out-of-plan production, but the Government does not have information on particular suppliers." As it is the PRC government which directs which products are produced in-plan, the statement that in-plan production is theoretically possible would seem to indicate that there is in-plan production in the industry producing the inputs. Company responses generally indicated that none of the inputs sourced in the PRC were from in-plan production. They also state that they were unaware whether there was in-plan production of the inputs or if their suppliers had in-plan production. Certain companies stated that it was likely that some of their suppliers had in-plan production. For some of these companies, a significant input sourced in the PRC was steel, which they believed was produced in-plan and out-of-plan.

Based on information gathered by the Department, we have concluded that the amount of steel produced in-plan is not insignificant. Therefore, we determine that the price of this input is not market-determined. With respect to other significant inputs, we do not have sufficient information to determine whether there is in-plan production or the extent of in-plan production. However, beyond the question of whether there is in-plan production, we do not have sufficient evidence to determine that the prices paid for those inputs are market-determined. Consistent with the position of the Department in antidumping investigations of imports from nonmarket economy countries, "an assertion (that inputs are purchased at market-oriented prices), without sufficient documentary evidence, is not enough to establish market behavior." Such claims must be examined at verification. (See, Sulfanilic Acid and

Preliminary Determination of Sales At Less than Fair Value: Certain Carbon Steel Butt-Weld Pipe Fittings from the People's Republic of China, 56 FR 66831, 66833.)

Therefore, we conclude that (1) the price of at least one significant input is not market-determined, (2) the record does not support a finding that the prices of other significant inputs are market-determined, and (3) the record does not support a finding that market-determined prices are paid for all but an insignificant proportion of all the inputs accounting for the total value of the merchandise under investigation. As a result, we preliminarily determine that the countervailing duty law cannot be applied to producers in the PRC of oscillating and ceiling fans.

Despite our preliminary determination, we are not rescinding the initiation of this investigation. Rather, because our determination is based on the particular facts in this case, the Department believes that the information used as the basis for its preliminary determination should be verified. It is especially important to clarify some of the information on the record and verify the accuracy of the data submitted in considering the application of the countervailing duty law to the PRC. Among the issues the Department intends to explore thoroughly at verification will be the market or non-market character of the inputs identified by respondents, the scope of the products that have in-plan production in the PRC, the proportion of total PRC production accounted for by the in-plan production, and documentary evidence which supports the assertion that inputs are purchased at market-oriented prices. An additional consideration of the Department in not terminating this case is to allow all interested parties to submit comments on the data in this proceeding.

Verification

In accordance with section 776(b) of the Act, we will verify the information used in making our final determination, which is due on or before June 1, 1992.

Public Comment

In accordance with 19 CFR 355.38, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on these preliminary determinations. Individuals who wish to request a hearing must submit such a request within ten days of the publication of this notice in the Federal Register to the Assistant Secretary for Import Administration, U.S. Department of Commerce, room B099, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; (3) the reason for attending; and (4) a list of the issues to be discussed. A hearing, if requested, will be held on May 18, 1992, at 2 p.m. at the U.S. Department of Commerce, room 3708, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Case and rebuttal briefs are due on May 8 and 14, 1992, respectively. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

This determination is published pursuant to section 703(f) of the Act (19 U.S.C. 1671b(f)) and 19 CFR 355.15.

Dated: March 16, 1992.

Alan M. Dunn,

Assistant Secretary for Import Administration.

[FR Doc. 92-6687 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-DS-M

[C-507-601]

Roasted In-Shell Pistachios From Iran; Rescission of Initiation of Countervailing Duty Administrative Review

AGENCY: International Trade Administration/Import Administration, Department of Commerce.

ACTION: Notice of rescission of initiation of countervailing duty administrative review.

SUMMARY: The Department of Commerce ("the Department") is rescinding the initiation of countervailing duty administrative review on roasted in-shell pistachios from Iran, covering the period January 1, 1990 through December 31, 1990.

EFFECTIVE DATE: March 23, 1992.

FOR FURTHER INFORMATION CONTACT: Patricia W. Stroup or Michael Rollin, Office of Countervailing Compliance, International Trade Administration, U.S. Department of Commerce, Washington, DC 20230; telephone: (202) 377-2786.

SUPPLEMENTARY INFORMATION:

Background

On October 2, 1991, the Department of Commerce (the Department) published in the Federal Register a notice of "Opportunity to Request Administrative Review" (56 FR 49878) of the countervailing duty order on roasted in-shell pistachios from Iran (51 FR 35679; October 7, 1986). On October 31, 1991, the Rafsanjan Pistachio Cooperative, a respondent in this proceeding and a major exporter of the subject merchandise, requested that the Department conduct an administrative review of this order. We initiated the review, covering the period January 1, 1990 through December 31, 1990, on November 22, 1991 (56 FR 58878).

Conduct of Administrative Review

The Department conducts administrative reviews of countervailing duty orders for two purposes, either of which may be sufficient to justify the review. The primary purpose is to establish the correct duty to be finally assessed on imports during the period reviewed. In this case there were no imports due to the ban on most imports from Iran under Executive Order 12613, issued by President Reagan on October 29, 1987, reprinted in 50 U.S.C.A. 1701 (1991) and the regulations promulgated thereunder, 31 CFR 560 (1991). Therefore, the first purpose of an administrative review cannot be satisfied.

A secondary purpose of an administrative review is to establish a new cash deposit rate on future imports. Normally this action is a by-product of reviews of imports during the period reviewed. When there are no imports, the Department normally assumes that future imports will benefit from countervailable subsidies to roughly the same degree as past imports, and an administrative review is not necessary or justified. However, the Department also recognizes that when there are basic changes in the subsidy programs themselves, this assumption may not hold. If the implementation of such program-wide changes can be established and if the impact of these program-wide changes on the production or exportation of the subject merchandise can be quantified, even in the absence of exports to the United States, the Department may conduct a review to establish a new cash deposit rate for future entries. However, in this case there are several reasons why this secondary purpose of conducting a review cannot be satisfied.

First, the requestor has not specified which programs that existed during the investigation have been changed. The review must necessarily be focused on certain programs and the requestor must provide descriptions of these programs and the changes to them.

Second, there is no possibility of future imports due to the embargo. While program-wide changes are reviewed to establish cash deposit rates on future imports, the Department has previously done so on the belief that future imports are likely, or at least

reasonably possible. An embargo, such as this one, creates a unique situation in which future imports are not foreseeable. Therefore, a review would serve no purpose.

Third, verification is not likely to be possible, due to the nature of the present relationship between the United States and Iran. Yet, such verification would be essential in establishing and accepting any program-wide changes, particularly since no verification was possible during the investigation and we have no established body of information against which to measure alleged changes.

Rescission of Initiation of Administrative Review

For these reasons, we are rescinding our initiation of the administrative review of the countervailing duty order on roasted in-shell pistachios from Iran, for the period January 1, 1990 through December 31, 1990, and have determined that the Department will not conduct an administrative review for that period. Further, the Department will not consider conducting reviews of later periods as long as the trade embargo remains in effect.

Dated: March 16, 1992.

Joseph A. Spetrini,

Deputy Assistant Secretary for Compliance.

[FR Doc. 92-6685 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-DS-M

National Oceanic and Atmospheric Administration

[Modification No. 1 to Permit No. 727]

Marine Mammals; Modification of Permit; Singapore Zoological Gardens (P354A)

Notice is hereby given that pursuant to the provisions of § 216.33 (d) and (e) of the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), Public Display Permit No. 727 issued to Singapore Zoological Gardens, 80 Mandai Lake Road, Singapore, 2572 on April 4, 1991 (56 FR 14499) is modified as follows:

Section B.6, first sentence is changed to read:

6. The authority to acquire the marine mammals authorized shall extend from date of issuance through April 30, 1993.

All conditions currently contained in the Permit remain in effect.

This modification becomes effective on March 23, 1992.

Documents submitted in connection with the above modification are available for review by appointment in the following offices:

Office of Protected Resources, National Marine Fisheries Service, NOAA, 1335 East West Highway, room 7324, Silver Spring, MD 20910 (301/713-2289); and

Director, Southwest Region, National Marine Fisheries Service, NOAA, 501 West Ocean Blvd., Long Beach, CA 90802 (310/980-4016).

Dated: March 16, 1992.

Charles Karnella,

Deputy Director, Office of Protected Resources.

[FR Doc. 92-6589 Filed 3-20-92; 8:45 am]

BILLING CODE 3510-22-M

COMMODITY FUTURES TRADING COMMISSION

Advisory Committee on CFTC-State Corporation; Eighth Renewal

The Commodity Futures Trading Commission has determined to renew again for a period of two years its advisory committee designated as the Commission's "Advisory Committee on CFTC-State Corporation." As required by section 14(a)(2)(A) of the Federal Advisory Committee Act, 5 U.S.C. app. 2, section 14(a)(2)(A), and 41 CFR 101-6.1007 and 101.6.1029, the Commission has consulted with the Committee Management Secretariat of the General Service Administration, and the Commission certifies that the renewal of the advisory committee is in the public interest in connection with duties imposed on the Commission by the Commodity Exchange Act, 7 U.S.C. 1 *et seq.*, as amended.

The objectives and scope of activities of the Advisory Committee on CFTC-State Cooperation are to conduct public meetings and submit reports and recommendations on matters of joint concern to the states and the Commission arising under the Commodity Exchange Act regarding regulation of commodity transactions and related activities.

Commissioner Fowler C. West serves as Chairman and Designated Federal Official of the Advisory Committee on CFTC-State Cooperation. The Advisory Committee's other members include state officials who have had experience in the commodities, securities, law enforcement and consumer protection fields, and representatives of the industry's only registered futures association, an industry association and a private brokerage firm.

Interested persons may obtain information or make comments by writing to the Commodity Futures Trading Commission, 2033 K Street, NW., Washington, DC 20581

Issued in Washington, DC this 17th day of March, 1992 by the Commission.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 92-6575 Filed 3-20-92; 8:45am]

BILLING CODE 6351-01-M

DEPARTMENT OF DEFENSE

Department of the Navy

Planning and Steering Advisory Committee; Closed Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (5 U.S.C. App. 2), notice is hereby given that the Planning and Steering Advisory Committee will meet April 6, 1992, from 9:00 am to 3:30 pm, at the Center for Naval Analyses, 4401 Ford Avenue, Alexandria, Virginia. This session will be closed to the public.

The purpose of this meeting is to discuss topics relevant to SSBN security. The entire agenda will consist of classified information that is specifically authorized by Executive order to be kept secret in the interest of national defense and is properly classified pursuant to such Executive order. Accordingly, the Secretary of the Navy has determined in writing that all sessions of the meeting shall be closed to the public because they concern matters listed in 552b(c)(1) of title 5, United States Code.

For further information concerning this meeting, contact: LT J. E. Williams (OP-213E), Pentagon, room 4D534, Washington, DC 20350, Telephone Number: (703) 697-8887.

Dated: March 13, 1992.

Wayne T. Baucino

Lieutenant, JAGC U.S. Naval Reserve, Alternate Federal Register Liaison Officer.

[FR Doc. 92-6585 Filed 3-20-92; 8:45 am]

BILLING CODE 3810-AE-F

DEPARTMENT OF ENERGY

Financial Assistance Award; Intent To Award Grant to Light Sculpting, Inc.

AGENCY: U.S. Department of Energy.

ACTION: Notice of unsolicited financial assistance award.

SUMMARY: The Department of Energy announces that pursuant to 10 CFR 600.6(a)(2), it is making a discretionary financial assistance award based on

acceptance of an unsolicited application meeting the criteria of 10 CFR 600.14(e)(1) to Light Sculpting, Inc. under Grant No. DE–FG01–92CE15543. The proposed grant will provide Government funding in the estimated amount of $99,583 for Light Sculpting, Inc. to develop a more reliable and more marketable version of a patented system for rapid fabrication of prototypes by irradiation of photopolymers. The indirect energy savings are expected to be substantial as it offers the potential for producing parts directly, rather than going through multiple machine operations, thereby reducing energy consumption in the cost of production.

The grant is being awarded to Light Sculpting, Inc. on an unsolicited basis, because it is a unique energy saving technology. It has been recommended by the National Institute of Standards and Technology (NIST). Dr. Efrem Fudim will be the principal investigator. He has spent twenty-five years in the field of rapid prototyping and design-controlled fabrication, analog circuits, and pneumatic controls. In accordance with 10 CFR 600.14(e)(1), it has been determined that this project represents a unique idea that is not eligible for financial assistance under a recent, current, or planned solicitation. The Energy-Related Inventions Program (ERIP) has been structured, since its beginning in 1975, to operate without competitive solicitations, because the legislation directs ERIP to provide support for worthy ideas submitted by the public. The proposed technology has a strong possibility of allowing for future reductions in the energy consumption of the United States. The program has never issued and has no plans to issue a competitive solicitation.

The anticipated term of the proposed grant shall be 24 months from the effective date of award.

FOR FURTHER INFORMATION CONTACT: U.S. Department of Energy, Office of Placement and Administration, ATTN: John Windish, PR–322.2, 1000 Independence Avenue, SW., Washington, DC 20585.

Thomas S. Keefe,

Director, Operations Division "B", Office of Placement and Administration.

[FR Doc. 92–6666 Filed 3–20–92; 8:45 am]

BILLING CODE 6450–01–M

Richland Field Office; Issuance of Grant Award

AGENCY: U.S. Department of Energy, Richland Field Office.

ACTION: Notice of noncompetitive financial assistance award.

SUMMARY: The Department of Energy, Richland Field Office, announces that pursuant to paragraph A of 10 CFR 600.7(b)(2)(i), it intends to issue a noncompetitive grant award to the Washington State Department of Health. The award is planned for a two (2) year project cycle, consisting to two (2) separately funded one (1) year budget periods. The initial budget period is estimated at $500,000.

FOR FURTHER INFORMATION CONTACT: Melanie P. Fletcher, U.S. Department of Energy, Richland Field Office, P.O. Box 550, Richland, Washington 99352, Telephone: (509) 376–4828.

SUPPLEMENTARY INFORMATION:

Grant Award Number: DE–FG06–92RL12455.

Scope of Project: The proposed financial assistance award is a grant to the Washington State Department of Health to fund the Hanford Environmental Radiation Oversight Program. The Hanford Environmental Radiation Oversight Program consists of collection, analysis, compilation, evaluation and reporting of environmental radiation baseline samples, oversight of the Richland environmental surveillance program, environmental investigations, and long term planning. The Washington State Department of Community Development is currently the recipient of a grant for Emergency Preparedness and Environmental Monitoring for the Hanford Site. In a letter dated December 11, 1991, the Washington State Department of Health requested that the Department of Energy separate the tasks into two autonomous grants—one for the emergency preparedness activities with the Department of Community Development, and another for the environmental oversight activities with the Department of Health. This would minimize excessive administrative burdens, and increase the cost effectiveness of the separate activities being performed. As the Washington State Department of Health is already performing the environmental oversight activities as stipulated by state regulation, competition is not appropriate and would have an adverse effect on the continuity of this activity.

Dated: March 12, 1992.

Marji W. Parker,

Acting Director, Procurement Division, Richland Field Office.

[FR Doc. 92–6667 Filed 3–20–92; 8:45 am]

BILLING CODE 6450–01–M

Federal Energy Regulatory Commission

[P–2458–010, 2572–006, 2520–018 and 2634–005]

Application Filed With the Commission

March 17, 1992.

Take notice that the following hydroelectric application has been filed with the Federal Energy Regulatory Commission and is available for public inspection.

a. *Type of Application:* Transfers of License.

b. *Projects Nos.:* 2458–010, 2572–006, 2520–018 and 2634–005.

c. *Date Filed:* March 12, 1992.

d. *Applicant:* Great Northern Nekoosa Corporation, Great Northern Paper Inc.

e. *Name of Projects:* Penobscot Mills Project, Ripogenus Project, Mattaceunk Project, Great Northern Storage Projects.

f. *Location:* On the Penobscot River and the West Branch of the Penobscot River in Aroostook, Penobscot, and Piscataquis Counties, Maine.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Thomas E. Mark, Esq., LeBoeuf, Lamb, Leiby & MacRae, 520 Madison Ave., New York, New York 10022, (212) 715–8000.

i. *FERC Contact:* Robert Bell (202) 219–2806.

j. *Comment Date:* April 16, 1992.

k. *Description of Project:* Licenses were issued to Great Northern Nekoosa Paper Corporation (Licensee), to operate and maintain the Penobscot Mills, Ripogenus, Mattaceunk, and Great Northern Storage Projects Nos. 2458, 2572, 2520, and 2634, respectively. The Licensee intends to transfer the licenses to the Great Northern Paper Corporation (Transferee), to facilitate the continued operation, maintenance, and relicensing of the projects. The Transferee intends to take over the project and agrees to accept the terms and conditions of the existing licenses as if it were the original licensee.

The transfer applications were filed within five years of the expiration of the licenses for the Penobscot Mills Project No. 2458 and the Ripogenus Project No. 2572, which are the subject of pending relicensing applications. In Hydroelectric Relicensing Regulations Under the Federal Power Act (54 FR 23,756; FERC Statutes and Regulations, Regulations Preambles 1986–1990 ¶ 30,854 at p. 31,437), the Commission declined to forbid license transfers during the last five years of an existing license, and instead indicated that it

would scrutinize all such transfer requests to determine if the transfer's primary purpose was to give the transferee an advantage in relicensing (*id.* at p 31,438 n. 318). The transfers would lead to the substitution of the transferee for the transferor as the applicant in the subject relicensing proceedings.

l. This notice also consists of the following standard paragraphs: B and C.

B. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of the Rules of Practice and Procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

C. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title "COMMENTS," "RECOMMENDATIONS FOR TERMS AND CONDITIONS," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," "COMPETING APPLICATIONS," "PROTEST" or "MOTION TO INTERVENE," as applicable, and the project number of the particular application to which the filing is in response. Any of these document must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. An additional copy must be sent to: the Director, Division of Project Review, Office of Hydropower Licensing, Federal Energy Regulatory Commission, room 1027–UPC, at the above address. A copy of any notice of intent, competing application, or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6608 Filed 3–20–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. JD92–04474T Colorado–3 Amendment]

State of Colorado; NGPA Notice of Determination by Jurisdictional Agency Designating Tight Formation

March 16, 1992.

Take notice that on March 11, 1992, the Oil and Gas Conservation Commission of the State of Colorado (Colorado), submitted the above-referenced notice of determination pursuant to § 271.703(c)(3) of the Commission's regulations, that a portion of the Niobrara Formation in Yuma County, Colorado, qualifies as a tight formation under section 107(b) of the Natural Gas Policy Act of 1978 (NGPA). The geographical area coverd by Colorado's determination, which was previously excluded from tight formation designation by the Commission in Order No. 137, is described as follows:

Township 3 North, Range 46 West, 6th P.M.
Section 6: All
Township 4 North, Range 46 West, 6th P.M.
Sections 8, 16, 17, 20, 21, 29 through 32: All

The notice of determination also contains Colorado's findings that the reference portion of the Niobrara Formation meets the requirements of the Commission's regulations set forth in 18 CFR part 271.

The application for determination is available for inspection, except for material which is confidential under 18 CFR 275.206, at the Federal Energy Regulatory Commission, 825 North Capitol Street, NE., Washington, DC 20426. Persons objecting to the determination may file a protest, in accordance with 18 CFR 275.203 and 275.204, within 20 days after the date this notice is issued by the Commission.

Lois D. Cashell,

Secretary.

[FR Doc. 92–6609 Filed 3–20–92; 8:45 am]

BILLING CODE 6717–01–M

[Docket No. CI87–736–004, et al]

Chevron Natural Gas Services, Inc., et al; Applications for Extension of Blanket Limited-Term Certificates With Pregranted Abandonment [1]

March 10, 1992.

Take notice that each Applicant listed on the Appendix hereto filed an application pursuant to sections 4 and 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the applications which are on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said applications should on or before March 23, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be baken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or to be represented at the hearing.

Lois D. Cashell

Secretary.

[1] This notice does not provide for consolidation for hearing of the several matters covered herein.

APPENDIX

Docket No.	Date filed	Applicant
CI87–736–004	3–6–92	Chevron Natural Gas Services, Inc., P.O. Box 3725, Houston, Texas 77253–3725.
CI87–883–004 [1]	3–6–92	Meridian Oil Trading Inc., 2919 Allen Parkway, P.O. Box 4239, Houston, Texas 77210.
CI90–76–002	3–6–92	Kern River Gas Supply Corporation, c/o Tenneco Gas, P.O. Box 2511, Houston, Texas 77252.

[1] Applicant also requests that its certificate be amended to include authority to make sales for resale in interstate commerce of imported natural gas and natural gas purchased from non-first sellers such as intrastate pipelines and local distribution companies.

[FR Doc 92-6610 Filed 3-20-92; 8:45 am]
BILLING CODE 6717-01-M

[Docket No. CI89-382-003]

K N Gas Marketing, Inc.; Application for Extension of a Blanket Limited-Term Certificate With Pregranted Abandonment

March 17, 1992

Take notice that on March 16, 1992, K N Gas Marketing, Inc. of P. O. Box 281304, Lakewood, Colorado 80228-9304, filed an application pursuant to section 7 of the Natural Gas Act and the Federal Energy Regulatory Commission's (Commission) regulations thereunder for extension of its blanket limited-term certificate with pregranted abandonment authorizing sales for resale in interstate commerce previously issued by the Commission for a term expiring March 31, 1992, all as more fully set forth in the application which is on file with the Commission and open for public inspection.

Any person desiring to be heard or to make any protest with reference to said application should on or before March 24, 1992, file with the Federal Energy Regulatory Commission, Washington, DC 20426, a petition to intervene or a protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party in any proceeding herein must file a petition to intervene in accordance with the Commission's rules.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for K N Gas Marketing, Inc. to appear or to be represented at the hearing.

Lois D. Cashell,

Secretary.

[FR Doc. 92-6611 Filed 3-20-92; 8:45 am]
BILLING CODE 6717-01-M

Office of Fossil Energy

National Petroleum Council; Open Meeting

Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, 86 Stat. 770), notice is hereby given of the following meeting:

Name: National Petroleum Council (NPC).

Date and Time: Thursday, April 9, 1992, at 9 a.m.

Place: The Mayflower Hotel, Colonial Room, 1127 Connecticut Avenue, NW., Washington, DC.

Contact: Margie D. Biggerstaff, U.S. Department of Energy, Office of Fossil Energy (FE-1), Washington, DC 20585, Telephone: 202/586-3867.

Purpose: To provide advice, information, and recommendations to the Secretary of Energy on matters relating to oil and gas or the oil and gas industry.

Tentative Agenda:

—Call to order by Ray L. Hunt, Chairman, National Petroleum Council.
—Remarks by the Honorable James D. Watkins, Secretary of Energy.
—Progress report of the NPC Committee on Refining Kenneth T. Derr, Chairman.
—Progress Report of the NPC Committee on Natural Gas, Frank H. Richardson, Chairman.
—Administrative matters.
—Discussion of any other business properly brought before the National Petroleum Council.
—Public comment (10-minute rule).
—Adjournment.

Public Participation: The meeting is open to the public. The chairperson of the Council is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Any member of the public who wishes to file a written satement with the Council will be permitted to do so, either before or after the meeting. Members of the public who wish to make oral satements pertaining to agenda items should contact Margie D. Biggerstaff at the address or telephone number listed above. Requests must be received at least five days prior to the meeting and reasonable provisions will be made to include the presentation on the agenda.

Transcripts: Available for public review and copying at the Public Reading Room, room IE-190, Forrestal Building, 1000 Independence Avenue SW., Washington, DC, between 9 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

Issued at Washington, DC, on March 13, 1992.

Marcia Morris,

Deputy Advisory Committee, Management Officer.

[FR Doc. 92-6665 Filed 3-20-92; 8:45 am]
BILLING CODE 6450-01-M

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-51790; FRL 4054-6]

Certain Chemicals; Premanufacture Notices

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(a)(1) of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture or import a new chemical substance to submit a premanufacture notice (PMN) to EPA at least 90 days before manufacture or import commences. Statutory requirements for section 5(a)(1) premanufacture notices are discussed in the final rule published in the **Federal Register** of May 13, 1983 (48 FR 21722). This notice announces receipt of 103 such PMNs and provides a summary of each.

DATES: Close of review periods:

P 92-522, 92-523, 92-524, 92-525, 92-526, 92-527, 92-528, 92-529, May 18, 1992.

P 92-530, May 25, 1992.

P 92-531, 92-532, 92-533, 92-534, May 19, 1992.

P 92-535, 92-536, 92-537, 92-538, 92-539, 92-540, 92-541, 92-542, 92-543, 92-544, May 20, 1992.

P 92-553, May 24, 1992.

P 92-554, May 23, 1992.

P 92-555, 92-556, 92-557, 92-558, 92-559, 92-560, 92-561, 92-562, 92-563, 92-564, 92-565, 92-566, 92-567, 92-568, 92-569, 92-570, 92-571, 92-572, 92-573, 92-574, 92-575, 92-576, 92-577, 92-578, 92-579, 92-580, 92-581, 92-582, 92-583, 92-584, 92-585, 92-586, 92-587, 92-588, 92-589, 92-590, May 24, 1992.

P 92-591, May 22, 1992.

P 92-592, May 24, 1992.

P 92-593, 92-594, 92-595, May 25, 1992.

P 92-596, 92-597, May 26, 1992.

P 92-598, 92-599, 92-600, 92-601, 92-602, May 27, 1992.

P 92-603, May 31, 1992.

P 92-604, 92-605, 92-606, May 27, 1992.

P 92-607, 92-608, 92-609, 92-610, 92-611, 92-612, 92-613, 92-614, May 30, 1992.

P 92-615, 92-616, 92-617, 92-618, 92-619, 92-620, 92-621, 92-622, May 31, 1992.

P 92-623, 92-624, 92-625, June 1, 1992.

P 92-626, 92-627, 92-628, 92-629, 92-630, June 2, 1992.

P 92-631, 92-632, June 3, 1992.

Written comments by:

P 92-522, 92-523, 92-524, 92-525, 92-526, 92-527, 92-528, 92-529, April 18, 1992.

P 92-530, April 25, 1992.

P 92-531, 92-532, 92-533, 92-534, April 19, 1992.

P 92-535, 92-536, 92-537, 92-538, 92-539, 92-540, 92-541, 92-542, 92-543, 92-544, April 20, 1992.

P 92-553, April 24, 1992.

P 92-554, April 23, 1992.

P 92-555, 92-556, 92-557, 92-558, 92-559, 92-560, 92-561, 92-562, 92-563, 92-564, 92-565, 92-566, 92-567, 92-568, 92-569, 92-570, 92-571, 92-572, 92-573, 92-574, 92-575, 92-576, 92-577, 92-578, 92-579, 92-580, 92-581, 92-582, 92-583, 92-584, 92-585, 92-586, 92-587, 92-588, 92-589, 92-590, April 24, 1992.

P 92-591, April 22, 1992.

P 92-592, April 24, 1992.

P 92-593, 92-594, 92-595, April 25, 1992.

P 92-596, 92-597, April 26, 1992.

P 92-598, 92-599, 92-600, 92-601, 92-602, April 27, 1992.

P 92-603, May 1, 1992.

P 92-604, 92-605, 92-606, April 27, 1992.

P 92-607, 92-608, 92-609, 92-610, 92-611, 92-612, 92-613, 92-614, April 30, 1992.

P 92-615, 92-616, 92-617, 92-618, 92-619, 92-620, 92-621, 92-622, May 1, 1992.

P 92-623, 92-624, 92-625, May 2, 1992.

P 92-626, 92-627, 92-628, 92-629, 92-630, May 3, 1992.

P 92-631, 92-632, May 4, 1992.

ADDRESSES: Written comments, identified by the document control number "(OPPTS-51790)" and the specific PMN number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., Rm. L-100, Washington, DC, 20460, (202) 260-3532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, Rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 554-1404, TDD (202) 554-0551.

SUPPLEMENTARY INFORMATION: The following notice contains information extracted from the nonconfidential version of the submission provided by the manufacturer on the PMNs received by EPA. The complete nonconfidential document is available in the TSCA Public Docket Office NE-G004 at the above address between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

P 92-522

Manufacturer. Sanncor Industries, Inc.

Chemical. (G) Polyurethane based on polyisocyanate, polyols and polyamines.

Use/Production. (G) Coatings. Prod. range: Confidential.

P 92-523

Manufacturer. Confidential.

Chemical. (G) Molasses - urea reaction product.

Use/Production. (S) Slow nitrogen release fertilizer. Prod. range: Confidential.

P 92-524

Importer. Dow Corning Corporation.

Chemical. (G) Amino-functional silicone.

Use/Import. (S) Textile softener. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 2,000 mg/kg species (rat). Acute dermal toxicity: LD50 > 2,000 mg/kg species (rabbit). Eye irritation: slight species (rabbit). Static acute toxicity: time LC50 48h44ppm species (daphnia magna). Skin irritation: slight species (rabbit).

P 92-525

Manufacturer. Confidential.

Chemical. (G) Zinc salt of an organo compound containing nitrogen.

Use/Production. (G) Paint additive. Prod. range: Confidential.

P 92-526

Importer. High Point Chemical Corporation.

Chemical. (G) Cyclic ester.

Use/Import. (S) Aroma as fragrance ingredient. Import range: 800-2,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 2.0 g/kg species (rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (rabbit). Eye irritation: moderate species (rabbit). Mutagenicity: negative. Skin irritation: slight species (rabbit).

P 92-527

Importer. High Point Chemical Corporation.

Chemical. (S) 2-Cyclohexyl propanal.

Use/Import. (S) Aroma as fragrance ingredient. Import range: 800-1,000 kg/yr.

Toxicity Data. Acute oral toxicity: LD50 > 5.0 g/kg species (rat). Acute dermal toxicity: LD50 > 2.0 g/kg species (rabbit). Eye irritation: slight species (rabbit). Mutagenicity: negative. Skin irritation: slight species (rabbit). Skin sensitization: negative species (guinea pig).

P 92-528

Manufacturer. Confidential.

Chemical. (G) Modified acrylate maleate polymer.

Use/Production. (G) Industrial dispersant/antiscalant. Prod. range: Confidential.

P 92-529

Manufacturer. Confidential.

Chemical. (G) Modified acrylate maleate polymer.

Use/Production. (G) Industrial dispersant/antiscalant. Prod. range: Confidential.

P 92-530

Manufacturer. Confidential.

Chemical. (G) Modified acrylate maleate polymer.

Use/Production. (G) Industrial dispersant/antiscalant. Prod. range: Confidential.

P 92-531

Manufacturer. Confidential.

Chemical. (G) Transition metal compound.

Use/Production. (G) Additive in manufactured article. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: slight species (rabbit).

P 92-532

Manufacturer. Confidential.

Chemical. (G) Transition metal compound.

Use/Production. (G) Additive in manufactured article. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: slight species (rabbit).

P 92-533

Manufacturer. Confidential.

Chemical. (G) Transition metal compound.

Use/Production. (G) Additive in manufactured article. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Eye irritation: none species (rabbit). Skin irritation: slight species (rabbit).

P 92-534

Manufacturer. Confidential.

Chemical. (G) Acrylic polymer.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

P 92-535

Manufacturer. Confidential.

Chemical. (G) Alkyl methacrylate, morpholinoethyl, styrene copolymer.

Use/Production. (G) Lubricating oil additives. Prod. range: Confidential.

P 92-536

Manufacturer. Union Camp Corp. Chemical Products Div,.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; ethylenediamine; 1,5-pentanediamine, 2-methyl-; piperazine; sebasic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-537

Manufacturer. Union Camp Corp., Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; ethylenediamine; 1,5-pentanediamine, 2-methyl-; piperazine; polyoxypropylenediamines; sebasic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-538

Manufacturer. Union Camp Corp. Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; ethylenediamine; stearic acid; 1,5-pentanediamine, 2-methyl-; piperazine; sebasic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-539

Manufacturer. Union Camp Corp. Chemical Products Div.,

Chemical. (S) Fatty acids, C_{18}-unsaturated, dimers; ethylenediamine;stearic acid; 1,5-pentanediamine, 2-methyl-piperazine; polyoxypropylenediamines; sebasic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-540

Manufacturer. Union Camp Corp., Chemical Products Div.

Chemical. (S) Fatty acids, C_{18}-unsaturated; dimers; azelaric acid; ethylenediamine; 1,5-pentanediamine, 2-methyl-; piperazine.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-541

Manufacturer. Union Camp Corp. Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; azelaic acid; ethylenediamine; 1,5-pentanediamine; 2-methyl-; piperazine; polyoxypropylenediamines.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-542

Manufacturer. Union Camp Corp. Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, azelaic acid; ethylenediamine; stearic acid; 1,5-pentanediamine. 2-methyl-piperazine.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-543

Manufacturer. Union Camp Corp. Chemical Products Div.

Chemical. (S) Fatty acids, C_{18} unsaturated, dimers; ethylenediamine; stearic acid; 1,5-pentanediamine, 2-methyl-; piperazine; polyoxypropylenediamines; azelaic acid.

Use/Production. (S) Hot melt adhesive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 15 g/kg species(rat).

P 92-544

Importer. Confidential.

Chemical. (G) Poly-beta-hydroxy-T-anylamine.

Use/Import. (G) Polymeric co-curative. Import range: Confidential.

P 92-553

Manufacturer. Star Enterprise.

Chemical. (S) 2-Methyl-2-methoxy butane.

Use/Production. (S) Fuel additive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 2.5 g/kg species (rat). Acute dermal toxicity: LD50 10 g/kg species (rabbit). Eye irritation: moderate species (rabbit).

P 92-554

Importer. Confidential.

Chemical. (G) Styrene-maleimide copolymer.

Use/Import. (G) Additive for thermoplastic resins. Import range: Confidential.

P 92-555

Manufacturer. Confidential.

Chemical. (G) Polyester/polyamide.

Use/Production. (S) Pigment for ink. Prod. range: Confidential.

P 92-556

Manufacturer. Confidential.

Chemical. (G) Blocked polyurethane.

Use/Production. (S) Automotive antichipping coating. Prod. range: 18,000–23,000 kg/yr.

P 92-557

Manufacturer. Confidential.

Chemical. (G) Ethylene interpolymer.

Use/Production. (G) General industrial use. Prod. range: Confidential.

P 92-558

Manufacturer. Confidential.

Chemical. (G) Ethylene interpolymer.

Use/Production. (G) General industrial use. Prod. range: Confidential.

P 92-559

Importer. Confidential.

Chemical. (G) Copper phthalocyanate derivative.

Use/Import. (G) Dye. Import range: Confidential.

Toxicity Data. Eye irritation: slight species (rabbit). Skin irritation: slight species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 92-560

Manufacturer. Confidential.

Chemical. (G) Amide.

Use/Production. (G) Printing ink. Prod. range: Confidential.

P 92-561

Manufacturer. Confidential.

Chemical. (G) Acid functional triester.

Use/Production. (S) Coatings. Prod. range: 25,000–54,000 kg/yr.

P 92-562

Manufacturer. Confidential.

Chemical. (G) Epoxy/hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 40,000–72,000 kg/yr.

P 92-563

Manufacturer. Confidential.

Chemical. (G) Epoxy/hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 40,000–72,000 kg/yr.

P 92-564

Manufacturer. Confidential.

Chemical. (G) Epoxy/hydroxy functional acrylic polymer.

Use/Production. (S) Coatings. Prod. range: 40,000–72,000 kg/yr.

P 92-565

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo substituted naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-566

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo substituted naphthalene.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-567

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo substituted naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-568

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-569

Manufacturer. Hoechst Celanese Coporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-570

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-571

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-572

Manufacturer. Hoecnst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-573

Manufacturer. Hoechst Celanese Corporation.

Chemical. (G) Azo naphthalene carboxylic acid salt.

Use/Production. (S) Fiber reactive dyestuff for cellular. Prod. range: 2,500–7,500 kg/yr.

P 92-574

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutanedioic 1/2 ester; ammonium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-575

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethyacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester potassium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-576

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; sodium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-577

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethylaneoxy alcohol-methylenbutandioic acid 1/2 ester; calcium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-578

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylatemethacrylic acid-methylmethacrylate-cetyl poiyethyleneoxy alcohol-methylbutandioic 1/2 ester; magnesium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-579

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethylethyleneoxy alcohol-methlenebutandioic 1/2 ester; lithium hydroxide.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-580

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethykmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; monoethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-581

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methacrylenebutandioic 1/2 ester; dimethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-582

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethylate-cetyl polyethylenoxy alcohol-methylenebutandioic 1/2 ester; trimethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-583

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; ethylenediamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-584

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methyme thacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; monoethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-585

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; diethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-586

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; triethylamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-587

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylate-methylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2/ester; ethanolmine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-588

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylatemethacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester; diethanolamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-589

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylate-methylacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester;triethanolamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-590

Manufacturer. Confidential.

Chemical. (S) Terpolymer-methylacrylate-methylacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester;isopropanolamine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-591

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylacrylate-methacrylic acid-methylmethacrylate-cetyl polyethyleneoxy alcohol-methacry lenebutandioic 1/2 ester; morpholine.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-592

Manufacturer. Confidential.

Chemical. (S) Terpolymer-ethylate-methacrylic acid-methylmethac rylate-cetyl polyethyleneoxy alcohol-methylenebutandioic 1/2 ester;amino methylpropenol.

Use/Production. (G) Thickener for aqueous mixture. Prod. range: Confidential.

P 92-593

Manufacturer. Cray Valley Products, Inc.

Chemical. (G) Acrylic resin with and hydroxy functional groups.

Use/Production. (G) Paint. Prod. range: 20,000–100,000 kg/yr.

P 92-594

Importer. Confidential.

Chemical. (G) Alkanedioic acid, product with substituted anhydrides and alkine diols.

Use/Import. (G) Precursor for polyurethane. Import range: Confidential.

P 92-595

Manufacturer. Halocarbon Products Corporation.

Chemical. (S) 1,2,2-Trichloro-1,1-difluoroethane.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 92-596

Importer. Confidential.

Chemical. (G) A styrene/acrylate polymer with some anionic functionality.

Use/Import. (S) Coating for polyester film. Import range: Confidential.

P 92-597

Importer. Confidential.

Chemical. (G) Styrene-oxagoline copolymer.

Use/Import. (G) Additive for polymer alloy. Import range: Confidential.

Toxicity Data. Mutagenicity: negative.

P 92-598

Manufacturer. Confidential.

Chemical. (S) Benzenesulfonyl chloride, 4-*N*-(acetylamino)-2-methyl-.

Use/Production. (S) Site limited intermediate. Prod. range: Confidential.

P 92-599

Manufacturer. Confidential.

Chemical. (S) Benzenesulfonamide, 4-amino-3,5-dichloro-*N*-ethyl-methyl-.

Use/Production. (S) Chemical intermediate. Prod. range: Confidential.

P 92-600

Manufacturer. Confidential.

Chemical. (G) Epoxy polymer reacted with cycloaliphatic amine.

Use/Production. (G) Epoxy curing agent. Prod. range: Confidential.

P 92-601

Importer. Henkel Corporation, Emery Group.

Chemical. (S) Dipentaerythritol, complex ester with dimer acid, isononanoic acid, and C_6–C_{12} fatty acids.

Use/Import. (S) Lubricant basetock. Import range: 5,000–80,000 kg/yr.

P 92-602

Importer. Henkel Corporation.

Chemical. (S) Dipentaerythritol, complex ester with dimer, acid isononanoic acid, and C_6–C_{12} fatty acids.

Use/Import. (S) Lubricant basetock. Import range: 5,000–80,000 kg/yr.

P 92-603

Importer. Henkel Corporation.

Chemical. (S) Dipentaerythritol, complex ester with dimer acid, and C8-C10 fatty acids.

Use/Import. (S) Lubricant basetock. Import range: 5,000–80,000 kg/yr.

P 92-604

Importer. Henkel Corporation.

Chemical. (S) Dipentaerythritol, complex ester with dimer acid, acid, C_8–C_{10} fatty acids.

Use/Import. (S) Lubricant basetock. Import range: 5,000–80,000 kg/yr.

P 92-605

Manufacturer. Novo Nordisk BioIndustrials, Inc.

Chemical. (G) A sporulation-deficient *Bacillus* species was genetically modified using recombinant DNA techniques to contain genes for the enhanced production of a subtilisin enzyme and for resistance to antibiotics. The subtilisin gene was obtained from a strain of a *Bacillus* species and introduced into the host using recombinant, intergeneric plasmids. Plasmid vector DNA is retained in the PMN microorganism.

Use/Production. (G) The PMN microorganism will be used for the biosynthesis of subtilisin an enzyme for use in detergents. Prod. range: Confidential.

Toxicity Data. Pathogenicity tests were conducted in mice with the PMN

and unmodified recipient microorganisms. These vegetative microbial cells were nonpathogenic when they were administered to mice at three dose levels via the intraperitoneal route. The LD50 for bothe the unmodified recipient and PMN microorganisms was $> 10^8$ cells per kilogram of body weight.

Exposure. Workers in the production areas who maintain and process cultures of the recombinant microorganism.

Environmental Release/Disposal. Production and processing: live cells are contained in a sealed fermentation vessel system during the manufacturing process. The recombinant microorganism is separated from the enzyme product and is inactivated prior to disposal. Detectible, viable microbial cells are not expected to be present in the enzyme concentrate or formulations. Disposal of cell waste: land application.

P 92-606

Manufacturer. Confidential.

Chemical. (G) Disubstituted carbomonocycle.

Use/Production. (G) Open, nondispersive use. Prod. range: Confidential.

P 92-607

Manufacturer. Confidential.

Chemical. (G) Epoxy resin.

Use/Production. (G) Component of structural material. Prod. range: 900 kg/yr.

P 92-608

Manufacturer. Confidential.

Chemical. (G) Carboxyl-functional polyamide.

Use/Production. (G) Printing ink resin. Prod. range: Confidential.

P 92-609

Manufacturer. Confidential.

Chemical. (G) Carboxyl-functional polyamide.

Use/Production. (G) Printing ink resin. Prod. range: Confidential.

P 92-610

Manufacturer. Confidential.

Chemical. (G) Carboxyl-functional polyamide.

Use/Production. (G) Printing ink resin. Prod. range: Confidential.

P 92-611

Manufacturer. Confidential.

Chemical. (G) Alkyldihydro-2,5-furandione, reaction product with polyethylenepolyamines.

Use/Production. (G) Destructive use. Prod. range: Confidential.

P 92-612

Manufacturer. Confidential.

Chemical. (G) Amine-terminated polyol.

Use/Production. (G) Paints. Prod. range: Confidential.

P 92-613

Manufacturer. W.R. Grace & Co.

Chemical. (G) Vegetable oil.

Use/Production. (G) Pesticide adjuvent. Prod. range: 28,000–46,000 kg/yr.

P 92-614

Importer. Confidential.

Chemical. (G) Styrene acrylic oxayoline copolymer.

Use/Import. (G) Curing agent, crosslinking agent. Import range: Confidential.

P 92-615

Importer. Wacker Chemicals (USA), Inc.

Chemical. (S) Glycosyltransferase, cyclodextrin.

Use/Import. (S) Enzyme catalyst. Import range: Confidential.

P 92-616

Manufacturer. Confidential.

Chemical. (G) Epoxy resin.

Use/Production. (G) Component of structural material. Prod. range: 900.

P 92-617

Manufacturer. Confidential.

Chemical. (G) Modified phenyl silsesquioxane.

Use/Production. (G) Heat curable resin. Prod. range: Confidential.

P 92-618

Manufacturer. Confidential.

Chemical. (G) Acrylic modified vinyl chloride polymer.

Use/Production. (G) Component of dispersively applied coating. Prod. range: 20,000–80,000 kg/yr.

P 92-619

Manufacturer. Confidential.

Chemical. (G) Acrylic modified vinyl chloride polymer.

Use/Production. (G) Component of dispersively applied coating. Prod. range: 20,000–80,000 kg/yr.

P 92-620

Manufacturer. Confidential.

Chemical. (G) Acrylic modified vinyl chloride polymer.

Use/Production. (G) Component of dispersively applied coating. Prod. range: 20,000–80,000 kg/yr.

P 92-621

Manufacturer. Confidential.

Chemical. (G) Acrylic modified vinyl chloride polymer.

Use/Production. (G) Component of dispersively applied coating. Prod. range: 20,000–80,000 kg/yr.

P 92-622

Manufacturer. Hoechst Celanese.

Chemical. (G) Acrylate, acrylamide, quaternary ammonium salt polymer.

Use/Production. (G) Antistatic coating for films and fibers. Prod. range: Confidential.

P 92-623

Manufacturer. Confidential.

Chemical. (G) Decadiene crosslinked poly(maleic anhydride-methyl vinyl ether).

Use/Production. (S) Industrial thickeners - adhesive, inks. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Eye irritation: minimal species (rabbit). Skin irritation: minimal species (rabbit). Mutagenicity: negative. Phototoxicity: negative species (guinea pig). Photoallergenicity: negative species (guinea pig).

P 92-624

Manufacturer. Confidential.

Chemical. (G) Chromophore substituted polyoxyalkylene.

Use/Production. (G) Colorant. Prod range: Confidential.

P 92-625

Manufacturer. Confidential.

Chemical. (G) Chromophore substituted polyoxakylene.

Use/Production. (G) Colorant. Prod. range: Confidential.

P 92-626

Manufacturer. Confidential.

Chemical. (G) Polyether aromatic polyurethane polymer.

Use/Production. (G) Transparent adhesive backing for medical dressing. Prod. range: Confidential.

P 92-627

Manufacturer. Rhom & Haas Company.

Chemical. (G) Acrylic copolymer.

Use/Production. (G) Open, nondispersive. Prod. range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5 g/kg species (rat). Acute dermal toxicity: > 2 g/kg species (rabbit). Eye irritation: moderate species (rabbit). Skin irritation: none species (rabbit). Mutagenicity: negative.

P 92-628

Importer. Confidential.

Chemical. (G) Substitutited phenyl azophenol.

Use/Import. (G) Fabrication of integrated circuits. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 1,709 mg/kg species (rat). Static acute toxicity: 1.33 mg/L time 48h species (killifish). Mutagenicity: negative.

P 92-629

Importer. Confidential.

Chemical. (G) Di hydroxy phenyl)-(phenyl)alkyl)methane.

Use/Import. (G) Fabrication of integrated circuits. Import range: Confidential.

Toxicity Data. Acute oral toxicity: LD50 > 5,000 mg/kg species (rat). Acute dermal toxicity: > 2,000 mg/kg species (rat). Static acute toxicity: > 1,000 mg/l 96h species (carp). Eye irritation: mild species (rabbit). Skin irritation: none species (rabbit). Mutagenicity: negative. Skin sensitization: negative species (guinea pig).

P 92-630

Manufacturer. GE plastics.

Chemical. (G) Modified styrene-olefin copolymer.

Use/Production. (S) Automotive. Prod. range: Confidential.

P 92-631

Manufacturer. Future Coatings, Inc.

Chemical. (G) Reaction product polyalkylene polyol and methylenebis(carbomomocyclic isocyanate).

Use/Production. (G) Coating component. Prod. range: Confidential.

P 92-632

Manufacturer. Basf Corporation.

Chemical. (G) Amine salt of formic acid.

Use/Production. (S) Site-limited intermediate. Prod. range: Confidential.

Dated: March 17, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 92-6677 Filed 3-20-92 8:45 am]

BILLING CODE 6560-50-F

EXPORT-IMPORT BANK OF THE U.S.

[Public Notice 16]

Agency Forms Submitted for OMB Review

AGENCY: Export-Import Bank of the United States.

ACTION: In accordance with the provisions of the Paperwork Reduction Act of 1908, Eximbank has submitted an application to be used under the Bank's medium and long term loan and guarantee programs.

PURPOSE: The proposed application is to be used by applicants when applying for Eximbank's services under its medium and long term loan and guarantee programs. The application will serve as a mechanism by which Eximbank can evaluate creditworthiness of applicants, to find reasonable assurance of repayment, and to assure that relevant statutory programs and requirements are met.

SUMMARY: The following summarizes the information collection proposal submitted to OMB.

(1) *Type of request:* extension.

(2) *Number of forms submitted:* one.

(3) *Form Number:* EIB 87-14 (Rev.).

(4) *Title of information collection:* Medium- and Long-Term Export Loan and Guarantee Application.

(5) *Frequency of use:* Submission of applications.

(6) *Respondents:* Any U.S. or foreign bank, other financial institution, other responsible party including the exporter or creditworthy borrowers in a country eligible for Eximbank assistance.

(7) *Estimated total number of annual responses:* 500.

(8) *Estimated total number of hours needed to fill out the form:* 250. Section 3504(h) of Public Law 96-511 does not apply.

ADDITIONAL INFORMATION OR COMMENTS: Copies of the proposed application may be obtained from Helene H. Wall, Agency Clearance Officer, (202) 566-8111. Comments and questions should be directed to Lin Liu, Office of Management and Budget, Information and Regulatory Affairs, room 3235, New Executive Office Building, Washington, DC 20503, (202) 395-7340. All comments should be submitted within two weeks of this notice; if you intend to submit comments but are unable to meet this deadline, please advise by telephone that comments will be submitted late.

Dated: March 9, 1992.

Helene H. Wall,

Agency Clearance Officer.

[FR Doc. 92-6634 Filed 3-20-92; 8:45 am]

BILLING CODE 6690-01-M

FEDERAL MARITIME COMMISSION

Inter-American Discussion; et al., Agreement(s) Filed

The Federal Maritime Commission hereby gives notice of the filing of the following agreement(s) pursuant to section 5 of the Shipping Act of 1984.

Interested parties may inspect and obtain a copy of each agreement at the Washington, DC Office of the Federal Maritime Commission, 1100 L Street, NW., room 10325. Interested parties may submit comments on each agreement to the Secretary, Federal Maritime Commission, Washington, DC 20573, within 10 days after the date of the **Federal Register** in which this notice appears. The requirements for comments are found in § 572.603 of title 46 of the Code of Federal Regulations. Interested persons should consult this section before communicating with the Commission regarding a pending agreement.

Agreement No.: 203-011369.

Title: Inter-American Discussion Agreement.

Parties: Inter-American Freight Conference, Inter-American Freight Conference Puerto Rico and U.S. Virgin Islands Area, Inter-American Freight Conference Pacific Coast Area, Inter-American Freight Conference Area River Plate/Puerto Rico and U.S. Virgin Islands/River Plate, A. Bottacchi S.A. de Navegacion C.F.I. el., A/S/ Ivarans Rederi, d/b/a/ Ivaran Lines, Companhia Maritima Nacional, Companhia de Navegacao Maritima Netumar, American Transport Lines, Inc., CMB Transport N.V., Companhia de Navegacao Lloyd Brasileiro, Empresa Lineas Maritimas Argentinas Sociedad Anonima (ELMA S/A), Empresa de Navegacao Alianca S.A. Hamburg-Sudamerikanische Dampfschifffahrts-Gesellschaft Eggert & Amsinck (Columbus Line) Nedlloyd Lijnen B.V., Transroll/Sea-Land, Frota Amazonica S.A., Maruba S.C.A., Norsul Internacional S.A.

The proposed Agreement would authorize the parties to meet, discuss and agree on rates and charges in the trade between the United States (including Puerto Rico and the U.S. Virgin Islands) and ports in Argentina, Brazil, Paraguay and Uruguay. The parties have no obligation under this Agreement, other than voluntary, to adhere to any consensus or agreement reached.

Agreement No.: 224-200634.

Title: Tampa Port Authority/ OdessAmerica Cruise Company Terminal Agreement.

Parties: Tampa Port Authority, OdessAmerica Cruise Company.

Synopsis: The Agreement permits the Tampa Port Authority to make its passenger terminal facilities available to

OdessAmerica Cruise Company on a non-exclusive basis and to provide preferential berthing during certain periods.

Dated: March 17, 1992.

By Order of the Federal Maritime Commission.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6602 Filed 3-20-92; 8:45 am]

BILLING CODE 6730-01-M

[Docket No. 92-11]

USA International Procurement Agency, Inc. v. Seaport Shipping Agency, Inc.; Filing of Complaint and Assignment

Notice is given that a complaint filed by USA International Procurement Agency, Inc. ("Complainant") against Seaport Shipping Agency, Inc., d/b/a Seaport Shipping Lines ("Respondent") was served March 16, 1992. Complainant alleges that Respondent engaged in violations of section 10(d)(1) of the Shipping Act of 1984, 46 U.S.C. app. Section 1709(d)(1), by failing to properly handle Complainant's cargo in a responsible manner or at a price which it had represented itself to be capable of doing, on a shipment of office furniture and supplies from Baltimore, Maryland to Bamako, Mali, via Antwerp on April 29, 1991.

This proceeding has been assigned to Administrative Law Judge Charles E. Morgan ("Presiding Officer"). Hearing in this matter, if any is held, shall commence within the time limitations prescribed in 46 CFR 502.61. The hearing shall include oral testimony and cross-examination in the discretion of the Presiding Officer only upon proper showing that there are genuine issues of material fact that cannot be resolved on the basis of sworn statements, affidavits, depositions, or other documents or that the nature of the matter in issue is such that an oral hearing and cross-examination are necssary for the development of an adequate record. Pursuant to the further terms of 46 CFR 502.61, the initial decision of the Presiding Officer in this proceeding shall be issued by March 16, 1993, and the final decision of the Commission shall be issued by July 14, 1993.

Joseph C. Polking,

Secretary.

[FR Doc. 92-6603 Filed 3-20-92; 8:45 am]

BILLING CODE 6730-01-M

FEDERAL RESERVE SYSTEM

Concord EFS, Inc.; Formations of, Acquisitions by, and Mergers of Bank Holding Companies; and Acquisitions of Nonbanking Companies

The companies listed in this notice have applied under § 225.14 of the Board's Regulation Y (12 CFR 225.14) for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) to become a bank holding company or to acquire voting securities of a bank or bank holding company. The listed companies have also applied under § 225.23(a)(2) of Regulation Y (12 CFR 225.23(a)(2)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies, or to engage in such an activity. Unless otherwise noted, these activities will be conducted throughout the United States.

The applications are available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1992.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166:

1. Concord EFS, Inc., Memphis, Tennessee; to become a bank holding company by acquiring 100 percent of the voting shares of EFS National Bank, Memphis, Tennessee, a *de novo* bank.

In connection with this application, Applicant also proposes to acquire Concord Computing Corporation, Elk Grove Village, Illinois, and thereby engage *de novo* in providing check authorization and collection services, pursuant to §§ 225.25(b)(7) of the Board's Regulation Y. Applicant currently engages in these activities through a retail division.

2. Concord EFS, Inc., Memphis, Tennessee; to retain Network EFT, Inc., Elk Grove Village, Illinois, and thereby engage in data processing, specifically electronic funds transfer services, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

3. Concord EFS, Inc., Memphis, Tennessee; to acquire VMT, Inc., Memphis, Tennessee, and thereby continue to engage in the provision of data transmission hardware in connection with its customers' transaction processing networks, pursuant to § 225.25(b)(7) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6613 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Integra Financial Corp.; Acquisition of Company Engaged in Permissible Nonbanking Activities

The organization listed in this notice has applied under § 225.23(a)(2) or (f) of the Board's Regulation Y (12 CFR 225.23(a)(2) or (f)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to acquire or control voting securities or assets of a company engaged in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such

as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 17, 1992.

A. Federal Reserve Bank of Cleveland (John J. Wixted, Jr., Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101:

1. Integra Financial Corporation, Pittsburgh, Pennsylvania; to acquire Landmark Savings Association, Pittsburgh, Pennsylvania, and thereby indirectly acquire Landmark Savings Association, Pittsburgh, Pennsylvania, and thereby engage in deposit taking activities and lending and other activities pursuant to § 225.25(b)(9) of the Board's Regulation Y; Landmark Mortgage Services, Inc., Pittsburgh, Pennsylvania, and thereby engage in conducting a mortgage origination business pursuant to § 225.25(b)(1) of the Board's Regulation Y; and Landmark Tri-Rivers Insurance Agency, Inc., Pittsburgh, Pennsylvania, and thereby engage in selling annuity and mutual fund products on a commission basis.

Board of Governors of the Federal Reserve System, March 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6624 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Joel W. Kovner; Change in Bank Control; Acquisition of Shares of Banks or Bank Holding Companies

The notificant listed below has applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notice is available for immediate inspection at the Federal Reserve Bank indicated. Once the notice has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for the notice or to the offices of the Board of Governors. Comments must be received not later than April 9, 1992.

A. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. Joel W. Kovner, Pacific Palisades, California; to acquire up to 24.9 percent of the voting shares of Professional Bancorp, Inc., Santa Monica, California, and thereby indirectly acquire First Professional Bank, N.A., Santa Monica, California.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6614 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Manufacturers National Corporation; Notice of Application to Engage de novo in Permissible Nonbanking Activities

The company listed in this notice has filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Comments regarding the application must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 13, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Manufacturers National Corporation, Detroit, Michigan, and Comerica Incorporated, Detroit, Michigan; to acquire 100 percent of a newly formed corporation, through which it proposes to acquire between 97 percent and 100 percent of the limited partnership interests (representing 96 percent to 99 percent of the total equity) of Talon Centre Associates Limited Partnership, a limited partnership organized under the laws of the State of Michigan and located in Michigan (the "Company"). The Company will engage in the leasing of real property in accordance with § 225.25(b)(5) of the Board's Regulation Y.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6615 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Northwest Financial Corp., et al.; Formations of; Acquisitions by; and Mergers of Bank Holding Companies

The companies listed in this notice have applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute

and summarizing the evidence that would be presented at a hearing.

Unless otherwise noted, comments regarding each of these applications must be received not later than April 13, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Northwest Financial Corp., Spencer, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Conover Bancorporation, Creston, Iowa, and thereby indirectly acquire The First National Bank of Creston, Creston, Iowa.

B. Federal Reserve Bank of Kansas City (John E. Yorke, Senior Vice President) 925 Grand Avenue, Kansas City, Missouri 64198:

1. 405 Corporation, La Junta, Colorado; to become a bank holding company by acquiring 100 percent of the voting shares of Ark Valley Industrial Bank, La Junta, Colorado, and Castle Rock Industrial Bank, Castle Rock, Colorado. After consummation of the transaction, the banks will be known as Ark Valley Independent Bank and Castle Rock Independent Bank.

C. Federal Reserve Bank of Dallas (W. Arthur Tribble, Vice President) 400 South Akard Street, Dallas, Texas 75222:

1. Bancwest Bancorp, Inc., Austin, Texas; to acquire 100 percent of the voting shares of Westside Bank, San Antonio, Texas.

D. Federal Reserve Bank of San Francisco (Kenneth R. Binning, Director, Bank Holding Company) 101 Market Street, San Francisco, California 94105:

1. GBC Holdings, Limited, Grand Cayman, British West Indies, and GBC Holdings, Inc., Los Angeles, California; to become a bank holding company by acquiring 100 percent of the voting shares of Guaranty Bank of California, Los Angeles, California.

Board of Governors of the Federal Reserve System, March 16, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6616 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Northwest Financial Corp.; Formation of, Acquisition by, or Merger of Bank Holding Companies

The company listed in this notice has applied for the Board's approval under section 3 of the Bank Holding Company Act (12 U.S.C. 1842) and § 225.14 of the Board's Regulation Y (12 CFR 225.14) to become a bank holding company or to acquire a bank or bank holding company. The factors that are considered in acting on the applications are set forth in section 3(c) of the Act (12 U.S.C. 1842(c)).

The application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that application or to the offices of the Board of Governors. Any comment on an application that requests a hearing must include a statement of why a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute and summarizing the evidence that would be presented at a hearing.

Comments regarding this application must be received not later than April 17, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Northwest Financial Corp., Spencer, Iowa; to become a bank holding company by acquiring 100 percent of the voting shares of Conover Bancorporation, Creston, Iowa, and thereby indirectly acquire The First National Bank of Creston, Creston, Iowa.

Board of Governors of the Federal Reserve System, March 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6625 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Ruth Bank Corp., et al.; Applications to Engage de novo in Permissible Nonbanking Activities

The companies listed in this notice have filed an application under § 225.23(a)(1) of the Board's Regulation Y (12 CFR 225.23(a)(1)) for the Board's approval under section 4(c)(8) of the Bank Holding Company Act (12 U.S.C. 1843(c)(8)) and § 225.21(a) of Regulation Y (12 CFR 225.21(a)) to commence or to engage *de novo*, either directly or through a subsidiary, in a nonbanking activity that is listed in § 225.25 of Regulation Y as closely related to banking and permissible for bank holding companies. Unless otherwise noted, such activities will be conducted throughout the United States.

Each application is available for immediate inspection at the Federal Reserve Bank indicated. Once the application has been accepted for processing, it will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the question whether consummation of the proposal can "reasonably be expected to produce benefits to the public, such as greater convenience, increased competition, or gains in efficiency, that outweigh possible adverse effects, such as undue concentration of resources, decreased or unfair competition, conflicts of interests, or unsound banking practices." Any request for a hearing on this question must be accompanied by a statement of the reasons a written presentation would not suffice in lieu of a hearing, identifying specifically any questions of fact that are in dispute, summarizing the evidence that would be presented at a hearing, and indicating how the party commenting would be aggrieved by approval of the proposal.

Unless otherwise noted, comments regarding the applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than April 17, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Ruth Bank Corporation, Ruth Michigan; to engage *de novo* in purchasing loans pursuant to § 225.25(b)(1) of the Board's Regulation Y.

2. The Shorebank Corporation, Chicago, Illinois; to engage *de novo* through its subsidiary, North Economic Initiatives Corporation, Chicago, Illinois, in activities designed primarily to promote community welfare by providing an array of financial and information services, such as high-risk micro-enterprise loans and technical assistance to new and growing small businesses, to stimulate job creation and business expansion opportunities for low- and moderate-income residents pursuant to § 225.25(b)(6) of the Board's Regulation Y. The activities will be conducted in the Upper Peninsula of Michigan.

Board of Governors of the Federal Reserve System, March 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6627 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

Mary Jo Tangeman, et al.; Change in Bank Control Notices; Acquisitions of Shares of Banks or Bank Holding Companies

The notificants listed below have applied under the Change in Bank Control Act (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire a bank or bank holding company. The factors that are considered in acting on the notices are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The notices are available for immediate inspection at the Federal Reserve Bank indicated. Once the notices have been accepted for processing, they will also be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing to the Reserve Bank indicated for that notice or to the offices of the Board of Governors. Comments must be received not later than April 13, 1992.

A. Federal Reserve Bank of Chicago (David S. Epstein, Vice President) 230 South LaSalle Street, Chicago, Illinois 60690:

1. Mary Jo Tangeman, to acquire an additional 19.35 percent of the voting shares of Tanco, Ltd., Guttenberg, Iowa, for a total of 28.96 percent, and thereby indirectly acquire Green Belt Bank & Trust, Iowa Fallas, Iowa.

2. David Vanderhyde Sr. and Carol Vanderhyde, to retain 11 percent of the voting shares of Valley Ridge Financial Corporation, Kent City, Michigan, and thereby indirectly acquire Kent City State Bank, Kent City, Michigan.

B. Federal Reserve Bank of Minneapolis (James M. Lyon, Vice President) 250 Marquette Avenue, Minneapolis, Minnesota 55480:

1. Harlan H. Smith, Marion, South Dakota; to acquire 1.45 percent of the voting shares of Farmers State Holding Company, Marion, South Dakota, and thereby indirectly acquire Farmers State Bank of Marion, Marion, South Dakota.

Board of Governors of the Federal Reserve System, March 17, 1992.

Jennifer J. Johnson,

Associate Secretary of the Board.

[FR Doc. 92-6626 Filed 3-20-92; 8:45 am]

BILLING CODE 6210-01-F

GENERAL ACCOUNTING OFFICE

Federal Accounting Standards Advisory Board; Meeting

AGENCY: General Accounting Office.

ACTION: Notice.

SUMMARY: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. No. 92-463), as amended, notice is hereby given that a two-day meeting of the Federal Accounting Standards Advisory Board will be held on Thursday, April 9, 1992 and Friday, April 10, 1992, from 9 a.m. to 4 p.m. in room 7313 of the General Accounting Office, 441 G St., NW., Washington, DC.

The agenda for the meeting will consist of a review of the minutes of the March 18-19 meeting, a review of an exposure draft on Accounting for Tangible Property Other Than Long Term Fixed Assets of the Federal Government, review of an exposure draft on Uses and Objectives of Federal Accounting, a discussion on issues and options for unfunded liabilities, and a review of an analysis of comments on the exposure draft on Financial Resources, Funded Liabilities, and Net Financial Resources of Federal Entities. We advise that other items may be added to the agenda; interested parties should contact the Staff Director for more specific information and to confirm the date of the meeting.

Any interested person may attend the meeting as an observer. Board discussions and reviews are open to the public.

FOR FURTHER INFORMATION CONTACT: Ronald S. Young, Staff Director, 401 F St., NW., room 302, Washington, DC 20001, or call (202) 504-3336.

Authority: Federal Advisory Committee Act. Pub. L. No. 92-463, Section 10(a)(2), 86 Stat. 770, 774 (1972) (current version at 5 U.S.C. app. section 10(a)(2) (1988); 41 CFR 101-6.1015 (1990).

Dated: March 17, 1992.

Ronald S. Young,

Staff Director.

[FR Doc. 92-6600 Filed 3-20-92; 8:45 am]

BILLING CODE 1610-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Health Care Policy and Research

Meetings

In accordance with section 10(a) of the Federal Advisory Committee Act (5 U.S.C. appendix 2), announcement is made of the following advisory subcommittees scheduled to meet during the month of March 1992:

Name: Consumers Guide to The Americans with Disabilities Act Advisory Subcommittee.

Dates and Times: March 23, 1992, 8:30 a.m.,

Place: Marriott Residence Inn, Charles Room, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

This meeting will be closed to the public.

Purpose: The Subcommittee's charge is to provide, on behalf of the Health Care Policy and Research Contracts Review Committee, advice and recommendations to the Secretary and to the Administrator, Agency for Health Care Policy and Research (AHCPR), regarding the scientifc and technical merit of contract proposals submitted in response to a specific Request for Proposal. The purpose of this contract is to develop a coordinated, computer based system to determine the rights and responsibilites of the disabled and the health care provider in meeting the requirements of The Americans with Disabilities Act (effective January 1992). Health care delivery questions most important to the disabled community are to be answered during Phase I of the research followed by the development of a prototype for retrieval of the inforamtion. The primary care practitioner will be the focus of defining the provider's responsibilities in determining whether the Act is applicable to a patient.

Name: NMES Data Support Advisory Subcommittee.

Dates and Times: March 25, 1992, 8:30 a.m.

Place: Marriott Residence Inn, Charles Room, 7335 Wisconsin Avenue, Bethesda, Maryland 20814.

This meeting will be closed to the public.

Purpose: The Subcommittee's charge is to provide, on behalf of the Health Care Policy and Research Contracts Review Committee, advice and recommendations to the Secretary and to the Administrator, AHCPR, regarding the scientifc and technical merit of contract proposals submitted in response to a specific Request for Proposal. The purpose of this contract is to provide timely and efficient data base management and computer programming which shall include: Econometric analyses; microsimulation moodeling and complex survey statistics; computer-related consulting and technical assistance; editorial and graphics services. This contract is designed to provide support of the data preparation, dissemination, and analysis activities in the Division of Medical Expenditure Studies, Center for Genreal Health Services Intramural Research, AHCPR.

Agenda: The session of each Subcommittee will be devoted entirely to the technical review and evaluation of contract proposals submitted in response to specific Requests for Proposals. The Administrator, AHCPR, has made a formal determination that these meetings will not be open to the public. This is necessary to protect the free exchange of views and avoid undue interference with Committee and Department operations, and safeguard confidential proprietary information and personal information concerning individuals associated with the proposals that may be revealed during the sessions. This is in accordance with section 10(d) of the Federal Advisory Committee Act, 5 U.S.C. appendix 2, Department regulations, 45 CFR 11.5(a)(6), and procurement regulations, 48 CFR 315.604(d).

Anyone wishing to obtain information regarding these meetings should contact Karen Harris, Office of Management, Management Systems and Services Branch,

Agency for Health Care Policy and Research, Executive Office Center, 2101 E. Jefferson Street, suite 601, Rockville, Maryland 20852

Agenda items are subject to change as priorities dictate.

Note: Due to unforseen circumstances, arrangements for both the March 23rd and March 25th meetings are delayed. Consequently, more timely notification was not possible.

Dated: March 16, 1992.

J. Jarrett Clinton,

Administrator, AHCPR.

[FR Doc. 92-6646 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-90-M

Food and Drug Administration

[Docket No. 92F-0053]

Hoechst Celanese Corp.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Hoechst Celanese Corp. has filed a petition proposing that the food additive regulations be amended to provide for the safe use of acesulfame potassium as a nonnutritive sweetener in yogurt and yogurt-type products, in frozen and refrigerated desserts, and in syrups and toppings.

FOR FURTHER INFORMATION CONTACT: Patricia A. Hansen, Center for Food Safety and Applied Nutrition (HFF-333), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-254-9523.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 2A4311) has been filed by Hoechst Celanese Corp., Route 202-206 North, Somerville, NJ 08876. The petition proposes that the food additive regulations in § 172.800 *Acesulfame potassium* (21 CFR 172.800) be amended to provide for the safe use of acesulfame potassium as a nonnutritive sweetener in yogurt and yogurt-type products, in frozen and refrigerated desserts, and in syrups and toppings.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 16, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-6636 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-01-M

[Docket No. 92F-0100]

PCI Membrane Systems, Ltd.; Filing of Food Additive Petition

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that PCI Membrane Systems, Ltd., has filed a petition proposing that the food additive regulations be amended to provide for the safe use of the reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1,2-diaminoethane as a food-contact layer of reverse osmosis membranes.

FOR FURTHER INFORMATION CONTACT: Julius Smith, Center for Food Safety and Applied Nutrition (HHF-335), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 020-254-9500.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a petition (FAP 9B4157) has been filed by PCI Membrane Systems, Ltd., Laverstoke Mill, Whitechurch, Hampshire RG28 7NR, England. The petition proposes to amend the food additive regulations to provide for the safe use of the reaction product of 1,3,5-benzenetricarbonyl trichloride with piperazine and 1, 2-diaminoethane as a food-contact layer of reverse osmosis membranes.

The potential environmental impact of this action is being reviewed. If the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: March 16, 1992.

Fred R. Shank,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 92-6637 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-01-M

Health Resources and Services Administration

Program Announcement for the Disadvantaged Health Professions Faculty Loan Repayment Program

The Health Resources and Services Administration (HRSA) announces that applications for fiscal year (FY) 1992 for the Disadvantaged Health Professions Faculty Loan Repayment Program are now being accepted under section 761 of the Public Health Service Act (The Act), as added by The Disadvantaged Minority Health Improvement Act of 1990, Public Law 101-527.

Approximately $975,000 is available in FY 1992 for competing applications for the Disadvantaged Health Professions Faculty Loan Repayment Program. It is expected that 30 awards averaging $32,000 ($16,000 per year for two years) will be supported with these funds.

Purpose

The purpose of the Disadvantaged Health Professions Faculty Loan Repayment Program (FLRP) is to attract and retain disadvantaged health professions faculty members for accredited health professions schools. The FLRP is directed at those individuals available to serve immediately or within a short time as full-time faculty members.

Eligible Individuals

Individuals from disadvantaged backgrounds are eligible to compete for participation in the FLRP if they:

1. Have a degree in medicine, osteopathic medicine, dentistry, nursing, pharmacy, podiatric medicine, optmetry, veterinary medicine, or public health or from a school that offers a graduate program in clinical psychology; or

2. Are enrolled in an approved graduate training program in one of the health professions listed above; or

3. Are enrolled as a full-time student in the final year or health professionals training, leading to a degree from an eligible school.

Prior to submitting an application, eligible individuals must sign a contract as prescribed by the Secretary, setting forth the terms and conditions of the FLRP. This contract requires the individual to also have entered into a contract with an eligible school to serve as a full-time member of the faculty, as determined by the school, for not less than two years, whereby the school agrees to pay a sum (in addition to faculty salary) equal to that paid by the Secretary towards the repayment of the

applicant's health professions educational loans.

Eligible Schools

Eligible health professions schools are accredited public or nonprofit private schools of medicine, osteopathic medicine, denistry, pharmacy, podiatric medicine, optometry, veterinary medicine, public health, or schools that offer a graduate program in clinical psychology as defined in section 701(4) of the Act, and which are located in States as defined in section 701(11) of the Act, and which are accredited as provided in section 701(5) of the Act, and schools of nursing as defined in section 853 of the Act.

Provisions of the Loan Repayment Program

Section 761 authorizes the Secretary to repay up to $20,000 of the principal and interest of a participant's educational loans, but not to exceed 50 percent of the amounts due on such loans for such year for each year of eligible faculty service.

The school is required, for each such year, to make payments of principal and interest due, in an amount equal to the amount of payment made by the Secretary for that year. These payments must be in addition to the faculty salary the participant otherwise would receive.

HRSA will pay on behalf of the participant the principal due for that year and interest on educational loans for the following expenses:

1. Tuition expenses;

2. All other reasonable educational expenses such as fee, books, supplies, educational equipment and materials required by the school, and incurred by the applicant;

Reasonable living expenses, as determined by the Secretary; and

4. Partial payments of the increased Federal income tax liability caused by the FLRP's payments and considered to be "other income," if the recipient requests such assistance.

Prior to entering into an agreement for repayment of loans, the statue requires the Secretary to obtain satisfactory evidence of the existence and reasonableness of the individual's educational loans, including a copy of the written loan agreement establishing the loan, and a notarized statement that the copy is a true copy of the loan agreement.

Waiver Provision

In the event of undue financial hardship to a school, the school, may obtain from the Secretary a waiver of its share of payments while the participant is serving under the terms of the contract. For purposes of this program, "undue financial hardship" means a situation where the school experiences a net loss as evidenced by documentation of "undue financial hardship", as seen by the individual school, on the basis of the school's particular financial status such as budget cutbacks. Decisions will be made on a case-by-case basis, as supported by the school's documentation such as: (1) The most current certified public accounting audit; and (2) the Balance Sheet and Statement of Income and Expenses for the last three years.

If the Secretary waives the school's payment requirement, the amount of the Federal loan repayment will not be subject to the 50 percent limit per year described above, but cannot exceed the $20,000 repayment limit applicable to the Secretary. The participant must pay that portion of loan payment due which is not covered.

The following Definitions, Program Requirements, Review Criteria and Funding Preference were established in FY 1991 after public comment dated October 2, 1991, at 56 FR 49896, and Administration is extending them in FY 1992.

Definitions

For purposes of the FLRP in FY 1992, an "Individual from a Disadvantaged Background" is defined as a 42 CFR 57.1804, as one who:

1. Comes from an environment that has inhibited the individual from obtaining the knowledge, skill, and abilities required to enroll in and graduate from a health professions school, or from a program providing education or training in an allied health profession; or

2. Comes from a family with an annual income below a level based on low income thresholds according to a family size published by the U.S. Bureau of the Census, adjusted annually for changes in the Consumer Price Index, and adjusted by the Secretary for use in all health professions programs. The Secretary will periodically publish these income levels in the Federal Register. The following income figures determine what constitutes a low income family for purposes of the Faculty Loan Repayment Program for FY 1992.

Size of parents' family [1]	Income level [2]
1	$9,100
2	11,800
3	14,100
4	19,000
5	21,300
6 or more	23,900

[1] Includes only dependents listed on Federal income tax forms.

[2] Adjusted gross income for calendar year 1991, rounded to $100.

The term "Living expenses" means the costs of room and board, transportation and commuting costs, and other costs incurred during an individual's attendance at a health professions school, as estimated each year by the school as part of the school's standard student budget. (National Health Service Corps Loan Repayment Program, 42 CFR 62.22).

The term "Reasonable educational expenses and living expenses" means the costs of those educational and living expenses which are equal to or less than the sum of the school's estimated standard student budgets for educational and living expenses for the degree program and for the year(s) during which the Program participant is/was enrolled in the school. (National Health Service Corps Loan Repayment Program, 42 CFR 62.22).

The term "Unserved Obligation Penalty" means the amount equal to the number of months of obligated service that were not completed by an individual, multiplied by $1,000, except that in any case in which the individual fails to serve 1 year, the unserved obligation penalty shall be equal to the full period of obligated service multiplied by $1,000. (section 338E of the Act). See "Breach of Contract" section below.

Program Requirements

The following requirements will be applied to the applicant and to the school.

The Applicant

The applicant will be required to do the following:

1. Submit a completed application, including the applicant's contract with an eligible school to serve as a full-time faculty member for not less than two years;

2. Provide evidence that the applicant has completely satisfied any other obligation for health professional service which is owed under an agreement with the Federal Government, State Government, or other entity prior to beginning the period of service under this program;

3. Certify that the applicant is not delinquent on any amounts which are owed to the Federal Government; and

4. Provide documentation to evidence the educational loans and to verify their status.

The School

The participating school will be required to do the following:

1. Enter into a contractual agreement with the applicant whereby the school is required, for each year for which the participant serves as a faculty member, to make payments of principal and interest due for that year, in an amount equal to the amount of such payments made by the Secretary. These payments must be in addition to the faculty salary the participant otherwise would receive.

2. Verify the participant's continuous employment at intervals as prescribed by the Secretary.

If the school is unable to meet the requirement of the FLRP for payment of principal and interest due because the requirement would impose undue financial hardship on the school, the school may request a waiver of this obligation from the Secretary. If the school's proportionate share of loan repayment amounts is waived, the Federal government agrees to make payments of not more than $20,000 of principal and interest for a year, which includes the amount granted as a waiver to the school.

The Secretary will pay participants in equal quarterly payments during the period of service.

Effective Date of Contract

After an applicant has been approved for participation in the FLRP, the Director, Division of Disadvantaged Assistance (DDA), will send the applicant a contract with the Secretary. The effective date is either the date work begins at the school as a faculty member or the date the Director, DDA, signs the FLRP contract, whichever is later. Service should begin no later than September 30, 1992.

Breach of Contract

The following areas under Breach of Contract are addressed in the appended contract:

1. If the participant fails to serve his or her period of obligated faculty service (minimum of two years) as contracted with the school, he/share is then in breach of contract, and neither the Secretary nor the school is obligated to continue loan repayments as stated in the contract. The participant must then reimburse the Secretary and the participating school for all sums of principal and interest paid on his/her behalf as stated in the contract.

2. Regardless of the length of the agreed period of obligation service (2, 3, or more years), a participant who serves less than the time period specified in his/her contract is liable for monetary damages to the United States amounting to the sum of the total of the amounts the Program paid his/her lenders, plus an "unserved obligation penalty" of $1,000 for each month unserved.

3. Any amount which the United States is entitled to recover because of a breach of the FLRP contract must be paid within 1 year from the day the Secretary determines that the participant is in breach of contract. If payment is not received by the payment date, additional interest, penalties and administrative charges will be assessed in accordance with Federal Law (45 CFR 30.13).

Other Consideration

In making awards, HRSA hopes to achieve equitable distribution among health disciplines and among geographic areas. Health needs of national significance will also be a consideration.

Review Criteria

The HRSA will review fiscal year 1992 applications taking into consideration the following criteria:

1. The extent to which the applicant meets the requirements of section 761 of the Act;

2. The completeness, accuracy, and validity of the applicant's responses to application requirements;

3. The submission of the signed contract with the school;

4. An applicant's earliest available date to begin service as a faculty member provided funding is available for that year; and

5. An applicant's availability to enter into a service contract for a longer period than the mandatory 2-year minimum.

In addition, a funding preference, allowing funding of a specific category or group of approved applications ahead of other categories or groups of applications, will be applied in determining the funding of approved applications.

Funding Preference

A funding preference will be given to individuals from disadvantaged (including racial and ethnic minorities) backgrounds who are new to the field of teaching. The Department intends to target FLRP assistance to disadvantaged health professions graduates serving as new faculty. This funding preference is designed to attract such individuals to pursue teaching careers in the health professions.

Established faculty members are eligible to apply for funds under the FLRP, but new faculty repayments will be funded first.

National Health Objectives for the Year 2000

The Public Health Service (PHS) is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting priority areas. The Disadvantaged Health Professions Faculty Loan Repayment Program is related to the priority area of Educational and Community-Based Programs. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) of Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Telephone (202) 783–3238).

Application Requests

Requests for application materials and questions regarding program information should be directed to: Norman Roskos, Chief, Analysis and Evaluation Branch, Division of Disadvantaged Assistance, Bureau of Health Professions, Health Resources and Services Administration, 5600 Fishers Lane, room 8A–09, Rockville, Maryland 20857, Telephone: (301) 443–3680.

Completed applications should be returned to the address listed above. The application deadline date is July 30, 1992. Applications shall be considered as meeting the deadline if they are either:

(1) Received on or before the deadline date, or

(2) Postmarked on or before the deadline and received in time for consideration. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted in lieu of a postmark. Private metered postmarks shall not be acceptable as proof of timely mailing.

Late applications not accepted for processing will be returned to the applicant.

The application form and instructions for this program have been approved by the Office of Management and Budget (OMB) under the Paperwork Reduction Act. The OMB clearance number is 0915–0150.

The Disadvantaged Health Professions Faculty Loan Repayment program is listed at 93.923 in the Catalog of Federal Domestic Assistance. It is not subject to the provisions of Executive Order 12372, Intergovernmental Review

of Federal Programs (as implemented through 45 CFR part 100).

Dated: January 28, 1992.

Robert G. Harmon,

Administrator.

BILLING CODE 4160-15-M

CONTRACT FOR THE DISADVANTAGED HEALTH PROFESSIONS FACULTY LOAN REPAYMENT PROGRAM

WITH

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
PUBLIC HEALTH SERVICE
HEALTH RESOURCES AND SERVICES ADMINISTRATION
BUREAU OF HEALTH PROFESSIONS

Section 761 of the Public Health Service Act ("Act") [42 United States Code 294 et seq.], as added by Pub. L. 101-527, authorizes the Secretary of Health and Human Services ("Secretary") to repay the educational loans of applicants from disadvantaged backgrounds selected to be participants in the Loan Repayment Program Regarding Service on Faculties of Certain Health Professions Schools ("Faculty Loan Repayment Program"). In return for these loan repayments, applicants must agree to provide teaching faculty services at an approved accredited health professions school determined by the Secretary for a designated period of obligated service pursuant to section 761 of the Act.

Sections 761(e) & (g) of the Act require applicants to submit with their applications a signed contract with an accredited health professions school and a signed contract which states the terms and conditions of participation in the Faculty Loan Repayment Program. The Secretary shall sign only those contracts submitted by applicants who are selected for participation.

The terms and conditions of participating in the Faculty Loan Repayment Program are set forth below:

Section A-Obligations of the Secretary

Subject to the availability of funds appropriated by the Congress of the United States for the Faculty Loan Repayment Program, the Secretary agrees to:

1. Pay, in the amount provided in paragraph 2 of this section, the undersigned applicant's qualifying educational loans. Qualifying educational loans consist of the principal and interest on educational loans received by the applicant for the following expenses of enrollment:

   a. tuition expenses;

   b. all other reasonable educational expenses such as fees, books, supplies, educational equipment and materials required by the school, and incurred by the applicant; or

   c. reasonable living expenses as determined by the Secretary.

2. If the applicant agrees to serve 2 or more years:

   a. Except as provided in subparagraph b. of this paragraph, pay annually, for each year of service not more than $20,000 of the principal and interest of the qualified educational loans of such individual due but not to exceed an amount equal to 50 percent of 20 percent of such loan payments due; or

   b. The Secretary's liability will not exceed a cap of $20,000 of principal and interest annually. This would include the amount waived under Sec. 761(f) of the Act for the school's proportionate share of the loan repayment amounts. The applicant must pay that portion not covered.

3. Make loan repayments for a year of obligated service no later than the end of the fiscal year in which the applicant completes such year of service.

4. The effective date of the Contract will be the date it is signed by the Director, Division of Disadvantaged Assistance or the date employment begins as a faculty member at the contracting school whichever is later.

Section B-Obligations of the Participant

1. The applicant agrees to:

   a. Continue loan repayments to lenders for the first quarter after which the Secretary will make delayed quarterly payments to applicant for the years stated in paragraph c of this section. Applicant must pay lender(s) these payments.

   b. Serve the period of obligated faculty service as contracted with the school and as determined by the Secretary to be acceptable.

   c. Serve in accordance with paragraph b. of this section for _____ years at _____ _____. The applicant must serve a minimum of two years.

2. If the applicant's eligibility to participate in the Faculty Loan Repayment Program is based on section 761(b)(3) of the Act (i.e. based on enrollment in an accredited health professions school), the applicant also agrees to:

   a. Maintain full-time enrollment, (as determined by the School), in good academic standing as determined by the School, in the final year of the course of study leading to a degree in medicine, osteopathic medicine, dentistry, pharmacy, podiatric medicine, optometry, veterinary medicine, nursing, or public health, or schools offering graduate programs in clinical psychology in which the applicant is currently enrolled, until completion of such course of study;

   b. Enter into a contract with an accredited school described in subsection (c) of Section 761 to serve as a "new" member of the faculty of the school for not less than 2 years according to the requirements described in subsection (e)(2) of section 761.

   c. Begin service obligation as contracted.

Section C-Breach of Written Loan Repayment Contract

1. If the participant fails to comply with section B.1.c. of this contract or is dismissed for disciplinary reasons or voluntarily terminates the contracts, neither the Secretary nor the School is obligated to continue loan repayments as stated in Sec. A of this Contract. The participant shall be liable to the United States and the School for the amounts specified in paragraph 2 of this section.

2. If the applicant agrees to serve as a full-time faculty member for two years or more and fails to serve the 2 year minimum requirement, and is liable to pay monetary damages to the United States amounting to the sum of (a) the total amounts specified in Section A.2 of this contract plus (b) an "unserved obligation penalty" of $1,000 for each month unserved as set forth in paragraph 3 of this section plus (c) any tax assistance paid plus (d) interest, penalties and administrative charges for past due payments.

3. The "Unserved Obligation Penalty" means the amount equal to the number of months of obligated service that were not completed by an individual, multiplied by $1,000 except that in any case in which the individual fails to serve 1 year, the unserved obligation penalty shall be equal to the full period of obligated service multiplied by $1,000.

4. If the applicant agrees to serve more than the 2-year minimum service obligation and has completed the 2-year minimum, the participant will be liable for such sums paid for any months that are not a full year beyond the 2-year minimum requirement as agreed to in Section B.1.c of this contract, plus an "unserved obligation penalty" of $1,000 for each month unserved.

5. Any amount the United States is entitled to recover shall be paid within one year of the date the Secretary determines that the applicant is in breach of this written contract. Failure to pay by the due date will incur delinquent charges provided by Federal Law (45 CFR 30.13).

Section D-Cancellation, Suspension, & Waiver of Obligation

Any service or payment obligation may be canceled, suspended, or waived under certain circumstances described below: (1) In the event of death or permanent and total disability, the Secretary will cancel obligations under this contract. To receive cancellation in the event of death, the executor of the estate must submit an official death certificate to the Secretary. To receive the cancellation for permanent and total disability, participant or the representative must apply to the Secretary, submitting evidence of the medical condition, and the Secretary may cancel this obligation in accordance with applicable Federal statutes and regulations; (2) Upon receipt of supporting documentation the Secretary may waive or suspend service or payment obligation under this contract if the Secretary determines that: (a) meeting the terms and conditions of the contract is impossible or would involve extreme hardship; and (b) enforcement of the obligations would be unconscionable. (3) Deferment will be granted in the event of long term illness. Supporting documentation should be sent to: Division of Disadvantaged Assistance, Room 8A-09 Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857.

The Secretary or authorized representative must sign this contract before it becomes effective.

Applicant Name (Please Print) Applicant Signature * Date

Secretary of Health and Human Services or Designee Date

* Before signing, be sure you have completed section B.1.c. on page 1 of this contract indicating the number of years of service you agree to perform.

[FR Doc. 92-6689 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-15-C

Availability of Funds for Grants To Provide Health Care for the Homeless and Health Care Services for Homeless Children

AGENCY: Health Resources and Services Administration, HHS

ACTION: Notice of available funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces that the approporiation for fiscal year (FY) 1992 includes $56,021,000 for discretionary grants to provide primary health and substance abuse services to homeless individuals. Grants will be awarded under section 340 of the Public Health Service (PHS) Act, as amended, 42 U.S.C. 256.

Approximately 110 noncompeting continuation grants will be awarded to organizations which received grants in FY 1991 and which are currently providing health services to homeless individuals. The range of project support is approximately $100,000 to $2,000,000 per 12-month budget period, depending upon the number of individuals who will receive care through this effort. In addition, approximately 10–15 new organizations will be awarded a total of approximately $3 million to begin new health care for the homeless activities and 8–12 grants totalling approximately $2.5 million will be awarded to organizations to provide health care services to homeless children. Support for all new grantees will range from approximately $100,000 to $2,000,000 per project for a 12-month budget period. Funds may also be used to support improvement awards to existing grantees to meet additional health service delivery or health system management needs. Approximately 40–50 improvement proposals may be supported, ranging from $10,000 to $50,000 per proposal.

The PHS is committed to achieving the health promotion and disease prevention objectives of Healthy People 2000, a PHS-led national activity for setting health priorities. This grant program is related to the objectives cited for special populations, particularly people with low income, minorities, and the disabled, which constitute a significant portion of the homeless population. Potential applicants may obtain a copy of Healthy People 2000 (Full Report; Stock No. 017–001–00474–0) or Healthy People 2000 (Summary Report; Stock No. 017–001–00473–1) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (telephone 202 783–3238).

DUE DATES: Applicants for noncompeting continuation grants submitted, on September 15, 1991, an abbreviated grant application for the FY 1992 funding cycle. Applicants for new starts, grants for services to homeless children, and for improvement funding for continuation grantees are due April 30, 1992. Applications are considered as meeting the deadline if they are either (1) received on or before the deadline date; or (2) postmarked on or before the deadline date and received in time for orderly processing. Applicants should request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks will not be acceptable as proof of timely mailing. Late applications will not be considered for funding and will be returned to the applicant.

ADDRESES: Application kits (Form PHS 5161–1 with revised face sheet HHS Form 424, as approved by the Office of Management and Budget under contol number 0937–0189) may be obtained from, and completed applications should be mailed to, the appropriate PHS Regional Grants Management Officer (RGMO) (see Appendix). The RGMO can also provide assistance on business management issues.

FOR FURTHER INFORMATION CONTACT: For general program information and technical assistance, contact Ms. John Holloway, Director, or Mr. James L. Gray, Health Care for the Homeless Program Director, Division of Special Populations Program Development, Bureau of Health Care Delivery and Assistance (BHCDA), at 5600 Fishers Lane, Rockville, Maryland 20857 (telephone (301) 443–2512).

SUPPLEMENTARY INFORMATION:

Grants Awarded Under Section 340(a)

Section 340(a) of the PHS Act authorizes the Secretary to award grants to enable grantees, directly or through contracts, to provide for the delivery of health services to homeless individuals. Eligible applicants are nonprofit private organizations and public entities, including State and local governmental agencies. Grantees and organizations with whom they may contract for services under this program must have an agreement with a State under its Medicaid program, title XIX of the Social Security Act (if they provide services that are covered under the title XIX plan for the State), and be qualified to receive payments under the agreement. This requirement may be waived if the organization does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

Preference for new starts will be given to qualified applicants that (1)(A) are experienced in the direct delivery of primary health services to homeless individuals or medically underserved populations or (B) are experienced in the treatment of substance abuse in homeless individuals or medically underserved populations; and (2) agree to provide for primary health and substance abuse services to homeless individuals through both public entities and private organizations. The evaluation criteria will be weighted to reflect these preferences.

For grantees not previously funded under Section 340(a), the amount of Federal grant funds awarded may not exceed 75 percent of the costs of providing primary health and substance abuse services under the grant. Such newly funded grantees must make available non-Federal contributions to meet the remainder of the costs. For continuation grantees (including those applying for improvement funding), the amount of Federal grant funds awarded may not exceed 66⅔ percent of the costs of providing services under the grant. The continuation grantee, if funded, must make available non-Federal contributions to meet the remainder of the costs. Non-Federal contributions may be in cash or in-kind, fairly evaluated, including plant, equipment or services. Funds provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of the non-Federal contributions. Such determination may not include any cash or in-kind contributions that, prior to February 26, 1987, were made available by any public or private entity for the purpose of assisting homeless individuals (including assistance other than the provision of health services). The Secretary may waive the matching requirement if the grantee is a nonprofit private entity and the Secretary determines that it is not feasible for the grantee to comply with the requirement.

The grant may be used to continue to provide services listed below for up to 12 months to individuals who have obtained permanent housing if services were provided to these individuals when they were homeless. For the purpose of this program, the term "homeless individual" means an individual who lacks housing (without regard to whether the individual is a member of a family), including an individual whose

primary residence during the night is a supervised public or private facility that provides temporary living accommodations, or an individual who is a resident in transitional housing.

Project Requirements

a. The following services must be provided, directly or through contract:

1. Primary health care and substance abuse services at locations accessible to homeless individuals;

2. 24-hour emergency primary health and substance abuse services to homeless individuals;

3. Referral of homeless individuals as appropriate to medical facilities for necessary hospital services;

4. Referral of homeless individuals who are mentally ill to entities that provide mental health services, unless the applicant will provide such services directly;

5. Outreach services to inform homeless individuals of the availability of primary health and substance abuse services;

6. Aid to homeless individuals in establishing eligibility for assistance, and in obtaining services, under entitlement programs;

7. Podiatry, dental (including dentures), and vision services are supplemental services and may be provided where medically necessary, to the extent that the level of delivery of the required services is not diminished.

Grants Awarded Under Section 340(s)

Section 340(s) of the PHS Act authorizes the Secretary to carry out demonstration programs to enable entities, either directly or through contracts, to provide for the delivery of comprehensive primary health services to homeless children and to children at imminent risk of homelessness. Eligible applicants are grantees funded under section 340(a) of the PHS Act, other public and nonprofit private entities that provide primary health services and substance abuse services to a substantial number of homeless individuals, and public and nonprofit private children's hospitals that provide primary health services to a substantial number of homeless individuals. Grantees and organizations with which they may contract for services under this program must have an agreement with a State under its Medicaid program, title XIX of the Social Security Act (if they provide services that are covered under the title XIX plan for the State), and be qualified to receive payments under the agreement. This requirement may be waived if the organization does not, in providing health care services, impose a charge or accept reimbursement available from any third-party payor, including reimbursement under any insurance policy or under any Federal or State health benefits program.

For grantees under this program which are children's hospitals, the amount of Federal grant funds awarded may not exceed 50 percent of the costs of providing primary health and substance abuse services under the grant. Grantees which are children's hospitals must make available non-Federal contributions to meet the remainder of the costs. Non-Federal contributions may be in cash or in-kind, fairly evaluated, including plant, equipment or services. Funds provided by the Federal Government, or services assisted or subsidized to any significant extent by the Federal Government, may not be included in determining the amount of the non-Federal contributions.

Project Requirements

a. The following services must be provided, directly or through contract:

1. Comprehensive primary health services, including such services provided through mobile medical units;

2. Referrals for provision of health services, social services, and education services, including referral to hospitals, community and migrant health centers, Head Start and other educational programs, and programs for prevention and treatment of child abuse; and

3. Outreach services to identify children who are homeless or at imminent risk or homelessness and to inform parents/guardians of the availability of services directly from the grantees and through the referral mechanism.

Other Grant Requirements Applicable to Both Section 340(a) and 340(s) Grantees

a. Restrictions on the use of grant funds are as follows:

1. Grant funds may not be used to pay for inpatient services, except for residential treatment for substance abuse provided in settings other than hospitals.

2. Grant funds may not be used to make cash payments to intended recipients of primary health and substance abuse services or mental health services.

3. Grant funds may not be used to purchase or improve real property (other than minor remodeling of existing improvements to real property) or to purchase major medical equipment, including mobile medical units. However, upon request by an applicant demonstrating that the purposes of the project cannot otherwise be carried out, the Secretary may waive this restriction.

b. The grantee must, directly or through contract, provide services without regard to ability to pay for the services. If a charge is imposed for the delivery of services, such charge (1) will be made according to a schedule of charges that is made available to the public; (2) will not be imposed on any homeless individual with an income less than the official poverty level (the nonfarm income official poverty line defined by the Office of Management and Budget); and (3) will be adjusted to reflect the income and resources of the homeless individual involved.

Additional Grant Requirements for Section 340(a) Only

a. The grantee may not expend more than 10 percent of grant funds for the purpose of administering the grant.

b. The grantee may, with respect to title I of the Protection and Advocacy for Mentally Ill Individuals Act of 1986, expend amounts received for the purpose of referring homeless individuals who are chronically mentally ill, and who are eligible under the Act, to systems that provide advocacy services under the Act.

c. The grantee may provide services through contracts with nonprofit self-help organizations that are established and managed by current and former recipients of mental health or substance abuse services, who have been homeless individuals; and that have an agreement with a State under its Medicaid program, title XIX of the Social Security Act (if they provide services that are covered under the title XIX plan for the State), and qualify to receive payments under the agreement.

Criteria for Evaluating Applications

Noncompeting Continuations

FY 1992 awards for noncompeting continuations will be made following a review of the abbreviated application submitted by grantees. Funding decisions will be based on the grantee's progress in achieving stated goals and objectives for FY 1991 and its ability to resolve any outstanding issues raised during the review of the FY 1991 grant application.

New Applicants Under Section 340(a)

Applications that are received on time and meet basic application requirements will be reviewed by an objective panel of experts in the field of providing health services to homeless individuals.

All applications for grant support will be reviewed based upon the following evaluation criteria:

a. Compliance with the requirements of section 340 of the PHS Act and other programmatic requirements;

b. Experience in providing primary health or substance abuse services to homeless individuals or medically underserved populations;

c. Extent to which the applicant has identified the homeless population in the service area, including the social and demographic characteristics of the population and the extent to which their health needs are not being met;

d. Adequacy of the applicant's outreach plan to serve the homeless population;

e. Extent to which primary health and substance abuse services are to be provided to homeless individuals in a linked and integrated manner;

f. Adequacy of the applicant's referral arrangement to appropriate medical facilities for hospitalization and, for individuals who are mentally ill, to entities that provide mental health services, unless the applicant will provide such services directly;

g. Extent to which the applicant has the ability to involve appropriate community respresentatives to ensure that the program is culturally appropriate and accommodates the needs of the homeless individuals in the service area;

h. Extent to which the applicant has engaged or plans to engage with other entities in an integrated service system in the community;

i. Qualifications and experience of the proposed project staff; i.e., the staff size and skills necessary to carry out an effective program;

j. Adequacy of the proposed budget; i.e., detailed projections of revenue and costs in accordance with grant application instructions;

k. Evidence of administrative procedures for fiscal control and fund accounting procedures which provide for reasonable financial administration of Federal and non-Federal funds;

l. Evidence of an ongoing program of quality assurance with respect to health services provided under the grant;

m. Evidence of a reasonable plan for communicating with non-English speaking homeless individuals provided health services under the grant; and

n. Indication of strategies for collaborative relationships and linkages which maximize effective use of existing health and social service resources, especially those of state and local health department, primary care providers to the underserved, and academic institutions.

In addition, for FY 1992, it is proposed that a funding priority be given to:

—Applicants located in those States and other distinct geographic areas (for example, cities, counties, or designated health professional shortage areas) which have not previously received funds under Section 340(a) of the PHS Act and/or

—Applicants which intend to serve a primarily rural homeless population.

Applicants which do not meet these priorities will be considered only if sufficient program funds are available.

New Applicants Under Section 340(s)

Applications that are received on time and meet basic application requirements will be reviewed by an objective panel of experts in the field of providing health services to homeless individuals.

All applications for grant support will be reviewed based upon the following evaluation criteria:

a. Compliance with the requirements of section 340(s) of the PHS Act and other programmatic requirements;

b. Experience in providing primary health or substance abuse services to homeless individuals or medically underserved populations;

c. Extent to which the applicant has identified homeless children and children at imminent risk of homelessness within the service area, including the social and demographic characteristics of these children and the extent to which their health needs are not being met;

d. Proposal of an innovative approach to meeting the health care needs of homeless children and children at imminent risk of homelessness, which can be utilized as a demonstration site for other programs nationally;

e. Adequacy of the applicant's outreach plan to identify homeless children and children at imminent risk of homelessness and inform their parents/guardians of the availability of services;

f. Extent to which primary health services are to be provided to homeless children in a linked and integrated manner;

g. Adequacy of the applicant's referral arrangements for the provision of health services, social services, and education services, including referral to hospitals, community and migrant health centers, Head Start and other educational programs, and programs for prevention and treatment of child abuse;

h. Extent to which the applicant has the ability to involve appropriate community representatives to ensure that the program accommodates the needs of homeless children and children at imminent risk of homelessness in the service area;

i. Extent to which the applicant has engaged or plans to engage with other entities in an integrated service system in the community;

j. Qualifications and experience of the proposed project staff; i.e., the staff size and skills necessary to carry out an effective program;

k. Adequacy of the proposed budget; i.e., detailed projections of revenue and costs in accordance with grant application instructions;

l. Evidence of administrative procedures for fiscal control and fund accounting procedures which provide for reasonable financial administration of Federal and non-Federal funds;

m. Evidence of an ongoing program of quality assurance with respect to health services provided under the grant;

n. Evidence of a reasonable plan for communicating with non-English speaking children provided health services under the grant and their parents/guardians; and

o. Indication of strategies for collaborative relationships and linkages which maximize effective use of existing health and social service resources, especially those of state and local health departments, primary care providers to the underserved, and academic institutions.

In addition, it is proposed that a funding priority be given to:

—Applicants which currently receive funding under section 340(a) of the PHS Act;

—Applicants which intend to serve a primarily rural population; and/or

—Public and nonprofit private children's hospitals that provide primary health services to a substantial number of homeless individuals.

Applicants which do not meet those priorities will be considered only if sufficient program funds are available.

Improvements

Requests from existing grantees for improvements will also be reviewed objectively. Only those grantees which have demonstrated satisfactory progress to date in achieving stated goals and objectives for FY 1991 activities will be considered to receive improvement funding.

All applications for grant support for improvement will be reviewed based upon the following evaluation criteria:

a. Evidence of need for the improvement, based on demographic or health status indicators for the user population or on health system developmental needs;

b. Evidence of an innovative approach to addressing a clearly articulated

health service delivery or health system management issue; and

c. Description of current efforts being undertaken to address the area of concern and a clearly identified relationship between the current program and the proposed improvement.

An applicant may request more than one improvement; however, the proposals must be prioritized.

In addition, for FY 1992, it is proposed that a funding priority be given to: programs which expand the availability of and access to substance abuse services; innovative approaches to enhancing access to entitlement programs, including Supplemental Security Income; programs which develop or enhance relationships with shelters for homeless and runaway youth; programs which develop innovative programs in collaboration with other community-based organizations engaged in health care delivery to homeless clients; programs which develop innovative service arrangements for homeless individuals with HIV/AIDS; and programs which enhance quality assurance systems to improve their appropriateness in assessing services delivered to homeless individuals.

Opportunity for Comment

Interested persons are invited to comment on the proposed funding priorities for new starts under section 340(a), new starts under section 340(s), and improvements. Normally, the comment period would be 60 days. However, due to the need to implement any changes for the fiscal year 1992 award cycle, the comment period has been reduced to 30 days. All comments received on or before April 22, 1992 will be considered before the proposed funding priorities are established. No funds will be allocated or final selections made until a final notice is published indicating whether the proposed funding priorities will be applied.

Written comments should be addressed to: Ms. Joan Holloway, Director, Division of Special Populations Program Development, Bureau of Health Care Delivery and Assistance, Health Resources and Services Administration, Parklawn Building, room 7–A–22, 5600 Fishers Lane, Rockville, Maryland 20857.

All comments received will be available for public inspection and copying at the Division of Special Populations Program Development, at the above address, weekdays (Federal holidays excepted) between the hours of 8:30 a.m. and 5 p.m.

Other Award Information

The Health Care for the Homeless Program has been determined to be a program which is subject to the provisions of Executive Order 12372 concerning intergovernmental review of Federal programs by appropriate health planning agencies, as implemented by 45 CFR part 100. Executive Order 12372 allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application packages to be made available under this notice will contain a listing of States which have chosen to set up a review system and will provide a State point of contact (SPOC) in the State for the review. Applicants (other than federally-recognized Indian tribal governments) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the appropriate deadline dates. The BHCDA does not guarantee that it will accommodate or explain its responses to State process recommendations received after the date. (See "Intergovernmental Review of Federal Programs", Executive Order 12372, and 45 CFR part 100 for a description of the review process and requirements.)

The OMB *Catalog of Federal Domestic Assistance* number for this program is 13.151.

Dated: January 3, 1992.

Robert G. Harmon,

Administrator.

Appendix

Regional Grants Management Officers

Region I: Mary O'Brien, Grants Management Officer, PHS Regional Office I, John F. Kennedy Federal Building, Boston, MA 02203 (617) 565–1482

Region II: Steven Wong, Grants Management Officer, PHS Regional Office II, Room 3300, 26 Federal Plaza, New York, NY 10278 (212) 264–4496

Region III: Martin Bree, Grants Management Officer, PHS Regional Office III, P.O. Box 13716, Philadelphia, PA 19101 (215) 596–6653

Region IV: Wayne Cutchens, Grants Management Officer, PHS Regional Office IV, Room 1106, 101 Marietta Tower, Atlanta, GA 30323 (404) 331–2597

Region V: Lawrence Poole, Grants Management Officer, PHS Regional Office V, 105 West Adams Street, 17th Floor, Chicago, IL 60603 (312) 353–8700

Region VI: James Doss, Acting Grants Management Officer, PHS Regional Office VI, 1200 Main Tower, Dallas, TX 75202 (214) 767–3885

Region VII: Michael Rowland, Grants Management Officer, PHS Regional Office VII, Room 501, 601 East 12th Street, Kansas City, MO 64106 (816) 426–5841

Region VIII: Jerry F. Wheeler, Grants Management Officer, PHS Regional Office VIII, 1961 Stout Street, Denver, CO 80294 (303) 844–4461

Region IX: Linda Gash, Grants Management Officer, PHS Regional Office IX, 50 United Nations Plaza, San Francisco, CA 94102 (415) 556–2595

Region X: James Tipton, Grants Management Officer, PHS Regional Office X, Mail Stop RX 20, 2201 Sixth Avenue, Seattle, WA 98121 (206) 553–7997

[FR Doc. 92–6579 Filed 3–20–92; 8:45 am]

BILLING CODE 4160–15–M

Indian Health Service

Research Program Grants Technical Assistance Announcement

AGENCY: Indian Health Service (IHS), HHS

ACTION: Notice of technical assistance workshops for propsective IHS grantees.

SUMMARY: The IHS announces that technical assistance workshops for the Research Grant Program to include grant proposal writing will be conducted for American Indian/Alaska Native Tribal Organizations, as defined in the Indian Self-Determination Act, and IHS personnel.

DATES: Technical assistance workshops are scheduled for May 26–28, 1992, in Seattle, Washington and June 9–11, 1992, in Albuquerque, New Mexico.

FOR REGISTRATION CONTACT: William L. Freeman, M.D., Director, IHS Research Program, or Ms. Donna Pexa, Research Program Coordinator, Office of Health Program Research and Development, 7900 South J. Stock Road, Tucson, Arizona 85746–9352, (602) 670–6310, or Ms. M. Kay Carpenter, Grants Management Officer, Division of Acquisition ang Grants Operations, Twinbrook Building, suite 605, 12300 Twinbrook Parkway, Rockville, Maryland 20852–1750, (301) 443–5204. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: The Office of Health Program Research and Development, Division of Medical Systems Research and Development and the Division of Acquisition and Grant Operations, Grants Management Branch, will provide potential applicants an opportunity to receive technical assistance for Research Grants including participation in grant writing workshops to assist applicants in

developing and submitting competitive proposals. The purpose is to: (a) Establish communication between the IHS and the applicants, (b) determine the applicants eligibility, and (c) to provide technical assistance to increase the ability of an applicant to successfully complete. Applicants will prepare sample applications for constructive review and feedback during the workshop.

Dated: March 17, 1992.

Everett R. Rhoades,

Assistant Surgeon General, Director.

[FR Doc. 92-6688 Filed 3-20-92; 8:45 am]

BILLING CODE 4160-01-M

Public Health Service

National Institutes of Health; Statement of Organization, Functions and Delegations of Authority

Part H, chapter HN, (National Institutes of Health) of the Statement of Organization, Functions and Delegations of Authority for the Department of Health and Human Services (40 FR 22859, May 27, 1975, as amended most recently at 57 FR 5459, February 14, 1992) is amended to reflect the following organizational change in the Office of Intramural Research, Office of the Director, NIH: (1) Establish the Office of Human Subjects Research (HNA45). This component will serve as an NIH-wide focal point for coordination and oversight of the entire human subjects protections system, including establishment of an educational/training program, to ensure that all research involving human subjects is carried out uniformly at NIH in accordance with HHS regulations.

Section HN-B, Organization and Functions, is amended as follows: (1) After the statement for the Office of the Director (HNA), Office of Intramural Research (HNA4), Office of Education (HNA44), add the following title and statement:

Office of Human Subjects Research (HNA45). Serves as the NIH-wide focal point for coordination and oversight of the entire NIH human subjects protections system, including the establishment of an educational/training program, to ensure that all research involving human subjects is carried out uniformly at NIH in accordance with HHS regulations.

Dated: March 13, 1992.

Bernadine Healy,

Director, NIH.

[FR Doc. 92-6593 Filed 3-20-92; 8:45 am]

BILLING CODE 4140-01-M

DEPARTMENT OF THE INTERIOR

Minerals Management Service

Availability of Environmental Assessment (EA) and Finding of No Significant Impact (FONSI) for an Alternative to the Proposed Comprehensive Outer Continental Shelf (OCS) Natural Gas and Oil Resource Management Program for 1992-97

SUMMARY: The Minerals Management Service (MMS) prepared an EA for an alternative to the proposed Comprehensive OCS Natural Gas and Oil Resource Management Program for 1992-1997. The alternative would enlarge, relative to the proposed Comprehensive Program, the area that would be considered for natural gas and oil leasing in the Cook Inlet Planning Area of the Alaska OCS. Based on the conclusions of the EA, the MMS has prepared a FONSI.

ADDRESSES: A copy of the EA and FONSI is available to the public upon written request. Requests should be addressed to Minerals Management Service, Environmental Projects Coordination Branch, Mail Stop 4320, 381 Elden Street, Herndon, Virginia 22070-4817. Ask for the "Cook Inlet EA."

SUPPLEMENTARY INFORMATION: A draft Environmental Impact Statement (EIS) for the proposed Comprehensive Program was published in July 1991. The draft EIS did not include an alternative to enlarge the area that would be considered for leasing in the Cook Inlet Planning Area. An EA for the alternative was prepared in March 1992 to provide a basis for determining whether if would be necessary to prepare a supplement to the draft EIS in accordance with the regulations for implementing the National Environmental Policy Act, as amended. The EA shows that no significant differences between the potential environmental impacts of the Cook Inlet element of the proposed Comprehensive Program and the potential environmental impacts of the alternative are expected. Based on the conclusions presented in the EA, a FONSI was prepared and a determination was made that a supplement to the draft EIS is not needed. The final EIS will contain an analysis of potential impacts for the alternative. The final EIS is scheduled to be made available to the public in late April 1992.

Dated: March 18, 1992.

Thomas Gernhofer,

Associate Director for Offshore Minerals Management.

[FR Doc. 92-6653 Filed 3-20-92; 8:45 am]

BILLING CODE 4320-MR-M

INTERNATIONAL DEVELOPMENT CORPORATION AGENCY

Agency for International Development

Board for International Food and Agricultural Development and Economic Cooperation; Meeting

Pursuant to the provisions of the Federal Advisory Committee Act, notice is hereby given of the One Hundred and Tenth Meeting of the Board for International Food and Agricultural Development and Economic Cooperation (BIFADEC) on April 16, 1992, from 8:30 a.m. to 5 p.m.

The purposes of the meeting are: (1) To discuss the report of the President's Commission on the Management of the A.I.D. programs; (2) to consider and discuss A.I.D.'s "focus and concentrate" policies; (3) to hear a report on issues in A.I.D.'s participant training programs; and (4) to hear an update of the University Center activities including title XII programs and review the strategy/study for Historically Black Colleges and universities.

This meeting will be held in Main State Department Building in room 1105. Any interested person may attend and may present oral statements in accordance with procedures established by the Board and to the extent time available for the meeting permits.

All persons, visitors and employees are required to wear proper identification at all times while in the Department of State building. Please let the BIFADEC Staff know (tel # (703) 816-0277) that you expect to attend the meeting. Provide your full name, name of employing company or organization, address and telephone number not later than April 10, 1992. A BIFADEC Staff Member will meet you at the Department of State Diplomatic Entrance at C and 22d Streets with your pass.

C. Stuart Callison, Deputy Executive Director, Agency Center for University Cooperation in Development, Bureau for Research and Development, Agency for International Development, will be the A.I.D. Advisory Committee Representative at this Meeting. Those desiring further information may write to Dr. Callison, in care of the Agency for International Developemnt, room 900

SA-38, Washington, DC 20523-3801 or telephone him on (703) 816-0258.

Dated: March 17, 1992.

Ralph H. Smuckler,

Executive Director, Agency Center for University Cooperation in Development.

[FR Doc. 92-6618 Filed 3-20-92; 8:45 am]

BILLING CODE 6116-01-M

INTERNATIONAL TRADE COMMISSION

[Investigation No. 303-TA-21 (Final)]

Gray Portland Cement and Cement Clinker From Venezuela

AGENCY: United States International Trade Commission.

ACTION: Suspension of investigation.

SUMMARY: On March 17, 1992, the Department of Commerce (Commerce) suspended its countervailing duty investigation involving gray portland cement and cement clinker from Venezuela (57 FR 9242). The basis for the suspension is an agreement between Commerce and the Government of Venezuela to offset or eliminate completely all benefits provided by the Government of Venezuela which Commerce found to constitute bounties or grants on exports of gray portland cement and cement clinker to the United States. Accordingly, the United States International Trade Commission gives notice of the suspension of its countervailing duty investigation involving imports from Venezuela of gray portland cement and cement clinker, provided for in subheadings 2523.29.00 and 2523.10.00 of the Harmonized Tariff Schedule of the United States.

EFFECTIVE DATE: March 17, 1992.

FOR FURTHER INFORMATION CONTACT: Debra Baker (202-205-3180), Office of Investigations, U.S. International Trade Commission, 500 E Street SW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000.

Authority: This investigation is being suspended under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to section 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: March 18, 1992.

Kenneth R. Mason,

Secretary

[FR Doc. 92-6798 Filed 3-20-92; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Finance Docket No. 32025]

Black Hills & Western Railroad Corp.—Acquisition and Operation Exemption—Certain Lines of Chicago and North Western Transportation Company

Black Hills & Western Railroad Corporation (BH&W), a wholly owned noncarrier subsidiary of Dakota, Minnesota & Eastern Railroad Corporation (DM&E), has filed a verified notice for an exemption to acquire from the Chicago and North Western Transportation Company (CNW) approximately 174.7 miles of line and approximately 22 miles of incidental overhead trackage rights in Nebraska, South Dakota, and Wyoming. The line to be acquired runs between Colony, WY (milepost 174.7), and Dakota Junction, NE (milepost 0.0). The trackage rights extend from near Dakota Junction (milepost 410.3) to Crawford, NE (milepost 432.3).

The transaction is related to a petition for exemption filed concurrently in Finance Docket No. 32026, *Dakota, Minnesota & Eastern Railroad Corporation—Control Exemption—Black Hills & Western Railroad Corporation.* In that proceeding, DM&E seeks an exemption to continue in control of BH&W when BH&W becomes a carrier by consummating the transaction that is the subject of this notice of exemption. BH&W will consummate its acquisition from CNW on the effectiveness of the exemption sought in Finance Docket No. 32026. Upon consummation, BH&W will be a Class III carrier.

Any comments must be filed with the Commission and served on: Bryan D. Olsen, 1935 Piper Jaffray Tower, 222 South Ninth Street, Minneapolis, MN 55402, and Louis E. Gitomer, suite 210, 919 18th Street, NW., Washington, DC 20006.

This notice is filed under 49 CFR 1150.31. If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

Decided: March 17, 1992.

By the Commission, David M Konschnik, Director, Office of Proceedings.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6638 Filed 3-20-92; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-55 (Sub-No. 405)]

CSX Transportation, Inc.—Abandonment—Between Richmond and Marion in Wayne, Randolph, Henry, Delaware, and Grant Counties, IN; Notice of Findings

The Commission has issued a certificate authorizing CSX Transportation, Inc. (CSXT) to abandon 71.34 miles of rail line between milepost 63.21 at Richmond and milepost 134.55 at Marion, which is located in Wayne, Randolph, Henry, Delaware, and Grant Counties, IN. The abandonment certificate will become effective April 22, 1992, unless the Commission finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and CSXT no later than 10 days from the date of publication of this notice. The following notation shall be typed in bold face in the lower left-hand corner of the envelope containing the offer: "Rail Section, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.

Decided: March 18, 1992.

By the Commission: Chairman Philbin, Vice Chairman McDonald, Commissioner Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6771 Filed 3-20-92; 8:45 am]

BILLING CODE 7035-01-M

[Ex Parte No. 290 (Sub No. 5) (92-2)]

Quarterly Rail Cost Adjustment Factor

AGENCY: Interstate Commerce Commission.

ACTION: Approval of rail cost adjustment factor and decision.

SUMMARY: The Commission has approved the second quarter 1992 rail cost adjustment factor (RCAF) and cost index filed by the Association of

American Railroads. The second quarter RCAF (Unadjusted) is 1.162. The second quarter RCAF (Adjusted) is 1.024 a decrease of 1.5 percent from the first quarter 1992 RCAF (Adjusted) of 1.040. Maximum second quarter 1992 RCAF rate levels may not exceed 98.5 percent of maximum first quarter 1992 RCAF rate levels.

EFFECTIVE DATE: April 1, 1992.

FOR FURTHER INFORMATION CONTACT:
William T. Bono—(202) 927-5720.
Robert C. Hasek—(202) 927-6239.
[TDD for hearing impaired: (202) 927-5721.

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to, call, or pick up in person from: Dynamic Concepts, Inc., room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or telephone (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services (202) 927-5721.]

This action will not significantly affect either the quality of the human environment or energy conservation.

Decided: March 16, 1992.

By the Commission, Chairman Philbin, Vice Chairman McDonald, Commissioners Simmons, Phillips, and Emmett.

Sidney L. Strickland, Jr.,

Secretary.

[FR Doc. 92-6640 Filed 3-20-92; 8:45 am]

BILLING CODE 7035-01-M

DEPARTMENT OF JUSTICE

Information Collections Under Review

The Office of Management and Budget (OMB) has been sent the following collection(s) of information proposals for review under the provisions of the Paperwork Reduction Act (44 U.S.C. chapter 35) and the Paperwork Reduction Reauthorization Act since the last list was published. Entries are grouped into submission categories, with each entry containing the following information:

(1) The title of the form/collection;

(2) The agency form number, if any, and the applicable component of the Department Sponsoring the collection;

(3) How often the form must be filled out or the information is collected;

(4) Who will be asked or required to respond, as well as a brief abstract;

(5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond;

(6) An estimate of the total public burden (in hours) associated with the collection; and,

(7) An indication as to whether section 3504(h) of Public Law 96-511 applies.

Comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time, should be directed to the OMB reviewer, Ms. Lin Liu on (202) 395-7340 and to the Department of Justice's Clearance Officer, Mr. Lewis Arnold, on (202) 514-4305. If you anticipate commenting on a form/collection, but find that time to prepare such comments will prevent you from prompt submission, you should notify the OMB reviewer and the DOJ Clearance Officer of your intent as soon as possible. Written comments regarding the burden estimate or any other aspect of the collection may be submitted to Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503, and to Mr. Lewis Arnold, DOJ Clearance Officer, SPS/JMD/5031 CAB, Department of Justice, Washington, DC 20530.

Extension of the Expiration Date of a Currently Approved Collection Without any Change in the Substance or in the Method of Collection

(1) Victims of Crime Act, Crime Victims Assistance Grant Program, Performance Report.

(2) 7390/4. Office of Justice Programs, Office for Victims of Crime (OVC).

(3) Annually.

(4) State or local governments. The information requested is necessary to ensure compliance with statutory criteria which allow the Director of OVC to collect performance data from recipients of VOCA grant funds. The affected public includes up to 57 states and territories administering the crime victims assistance provisions of the Victims of Crime Act.

(5) 57 annual responses at 35 hours per response.

(6) 1,995 annual burden hours.

(7) Not applicable under 3504(h).

(1) Application for Procurement Quota for Controlled Substances.

(2) DEA 250, Drug Enforcement Administration.

(3) On occasion.

(4) Businesses or other for-profit. CFR 1303.12 requires manufacturers who wish to purchase controlled substances in Schedule II to apply on DEA-250 for procurement quotas. Such quotas limit purchase quantities. Information is used for establishing and maintaining quotas.

(5) 341 annual responses at 1 hour per response.

(6) 341 annual burden hours.

(7) Not applicable under 3504(h).

Revision of a Currently Approved Collection

(1) Victims of Crime Act, Crime Victims Assistance Program, Subgrant Award Report.

(2) 7390/2A. Office of Justice Programs, Office for Victims of Crime (OVC).

(3) Annually.

(4) State or local governments. The information requested is necessary to ensure compliance with statutory criteria which allow the Director of OVC to collect performance data from recipients of VOCA grant funds. The affected public includes up to 57 states and territories administering the crime victim assistance provisions of the Victims of Crime Act.

(5) 2,508 annual responses at 2 hours per response.

(6) 5,016 annual burden hours.

(7) Not applicable under 3504(h).

(1) Sample Survey of Jails.

(2) CJ-5, CJ-5A. Office of Justice Programs, Bureau of Justice Statistics.

(3) Annually.

(4) State or local governments. The information collected will provide annual estimates of the Nation's local jail population, as well as data on jail capacity, court orders for conditions of confinement, inmate deaths, AIDS testing and number of inmates with AIDS in the 25 largest jurisdictions. The data will form the basis for historical trend analysis.

(5) 1,200 annual responses at .60 hours per response.

(6) 725 annual burden hours.

(7) Not applicable under 3504(h).

Public comment on these items is encouraged.

Dated: March 18, 1992.

Lewis Arnold

Department Clearance Officer, Department of Justice.

[FR Doc. 92-6679 Filed 3-20-92; 8:45 am]

BILLING CODE 4410-18-M

Lodging of Final Judgment by Consent Pursuant to the Comprehensive Environmental Response, Compensation and Liability Act

In accordance with Department policy, 28 CFR 50.7, and section 122(d)(2) of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. 9622(d)(2), notice is hereby given that on March 5, 1992, a proposed Consent Decree in *United States* v. *Berwind Railway Service Co., et al.*, Civil Action No. 92-

66] was lodged with the United States District Court for the Western District of Pennsylvania.

Simultaneously with the lodging of the proposed consent Decree, the United States filed a complaint in the United States District Court for the Western District of Pennsylvania alleging that defendant Berwind Railway Service Co., Butterick Company, Inc., GTE Products Corporation, Hamilton Beach/Proctor-Silex, Inc., SCM Corporation, and SKF USA, Inc. arranged for disposal of hazardous substances at the Delta Quarries and Disposal Superfund Site (the "Site"), located near the City of Altoon and the Village of Pinecroft, Logan and Antis Townships, Blair County, Pennsylvania. Defendant Delta Quarries and Disposal, Inc. is alleged to be the current owner and operator of the Site, and the owner and operator at the time that some of the alleged disposal of hazardous substances there occurred. Hazardous substances found at the Site include acetone, chlorobenzene, chloroethane, chloroform, 1, 1-dichloroethane, 1, 1-dechloroethene, 1, 2-dichloroethene, 1, 2-dichloroethane, trichloroethene ("TCE"), 1,1,1, trichloroethane, tetrachloroethene ("PCE"), toluene, vinyl chloride, barium, manganese, nickel, cadmium, chromium, copper, lead, and zinc.

The complaint seeks, *inter alia*, an injunction requiring the defendants to perform a clean-up of the Site in accordance with a remedy that has been selected by EPA pursuant to section 106 of CERCLA, 42 U.S.C. 9606, and a judgment against the defendants for all costs incurred by the United States for response activities related to the Site, pursuant to section 107(a) of CERCLA, 42 U.S.C. 9607(a).

The proposed Consent Decree would settle the allegations made in the complaint. Under the terms of the proposed Consent Decree, the defendants have agreed to reimburse the Hazardous Substance Response Trust Fund in the amount of $60,538.66, representing 100% of response costs incurred by EPA in connection with the Site through January 3, 1991. The proposed Consent Decree further requires the defendants to perform a clean-up of hazardous substances at the Site in accordance with a remedy selected by EPA, and to reimburse the United States all costs incurred in overseeing the defendants' performance of the remedy.

The Department of Justice will receive comments relating to the proposed Consent Decree for a period of thirty (30) days from the date of this publication. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to the *United States* v. *Berwind Railway Service Co., et al.*, D.J. No. 90–11–2–705.

The proposed Consent Decree may be examined at the office of the United States Attorney for the Western District of Pennsylvania, 633 USPO & Courthouse, 7th Avenue & Grant Street, Pittsburgh, Pennsylvania 15219 and the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The proposed Consent Decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennslyvania Ave., NW., Box 1097, Washington, DC 20004, 202–347–2072. A copy of the proposed Consent Decreee may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check in the amount of $24.00 (25 cents per page reproduction costs) payable to "Consent Decree Library."

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–6587 Filed 3–20–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging of Consent Decrees Pursuant to the Clean Air Act

In accordance with Departmental policy, 28 CFR 50.7, notice is hereby given that on March 9, 1992 two proposed Partial Consent Decrees in *United States and Commonwealth of Pennsylvania* v. *Bethlehem Steel Corporation*, Civil Action No. 87–5438 (E.D. Pa.), were lodged with the United States District Court for the Eastern District of Pennsylvania. One Partial Consent Decree (the "Bethlehem Plant Decree") concerns violations of the Clean Air Act, 42 U.S.C. 7401*et seq.* ("the Act"), with respect to defendant's operation of blast furnace, coke oven batteries, and a high pressure boiler at its Bethlehem, Pennsylvania plant. The proposed Bethlehem Plant Decree requires defendant to implement injunctive relief, including requirements to install and operate additional emissions control equipment and to achieve, demonstrate, and maintain compliance with relevant emissions standards at the plant, to pay a $5 million civil penalty, and either to implement a supplemental environmental project involving installation of luter-type doors on Coke Oven Batteries 2 and 3 (2A) to reduce coke oven emissions from leaking coke oven doors or pay an additional $1.2 million civil penalty. The second Partial Consent Decree (the "Johnstown Plant Decree") concerns violations of the Act with respect to defendant's operation of an electric arc furnace shop at its Johnstown, Pennsylvania plant. The proposed Johnstown Plant Decree requires defendant to implement injunctive relief, including requirements to operate certain additional emissions control equipment and to achieve, demonstrate, and maintain compliance with relevant emissions standards at the plant, and to pay a civil penalty of $1.7 million civil penalty.

The Department of Justice will receive comments relating to the proposed Bethlehem Plant Decree and the proposed Johnstown Plant Decree for a period of thirty (30) days from the date of this publicaion. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States and Commonwealth of Pennsylvania* v. *Bethlehem Steel Corporation*, D.C. No. 90–5–2–1–1023 (for Bethlehem Plant Decree comments) or D.J. No. 90–5–2–1–1068 (for Johnstown Plant Decree comments).

The proposed Partial Consent Decrees may be examined at the Office of the United States Attorney for the Eastern District of Pennsylvania, 615 Chestnut Street, suite 1300, Philadelphia, Pennsylvania 19106 and the U.S. Environmental Protection Agency, Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The proposed Partial Consent Decrees may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097 Washington, DC 20004, 202–347–2072. A copy of the proposed Partial Consent Decrees may be obtained in person or by mail from the Document Center. In requesting a copy, please enclose a check payable to "Consent Decree Library" in the amount of $65.25 (25 cents per page reproduction costs) for a copy of the Bethlehem Plant Decree, or in the amount of $21.25 for a copy of the Johnstown Plant Decree.

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–6588 Filed 3–20–92; 8:45 am]

BILLING CODE 4410–01–M

Lodging Final Judgment by Consent Pursuant to the Clean Air Act

Notice is hereby given that on March 12, 1992, a proposed consent decree in *United States* v. *Corning Incorporated, et al.*, Civil Action No. 3:CV–90–207, was lodged with the United States District Court for the Middle District of Pennsylvania. The suit was brought pursuant to section 113 of the Clean Air Act ("the Act"), 42 U.S.C. 7413, for multiple violations of the National Emissions Standards for Hazardous Air Pollutants applicable to the emission of inorganic arsenic from glass manufacturing plants ("arsenic NESHAP"), 40 CFR part 61, subparts (A) and (N). It also alleged a violation of reporting requirements of the New Source Performance Standards ("NSPS") for Glass Manufacturing Plants, 40 CFR part 60, subparts (A) and (CC). The action was based on violations that had occurred and were occurring at two glass works manufacturing facilities located at State College and Charleroi, Pennsylvania. The proposed consent decree between the United States and the defendants resolves the subject violations by providing for injunctive relief to ensure consistent compliance with arsenic limits at the State College plant. The proposed consent decree provides for a civil penalty of $1,825,000 to be paid by defendants for past violations.

The Department of Justice will receive comments relating to the proposed consent decree for a period of thirty days from the date of publication of this notice. Comments should be addressed to the Acting Assistant Attorney General, Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Corning Incorporated, et al.*, DOJ Ref. No. 90–5–2–1–1267. The proposed consent decree may be examined at the Office of the United States Attorney, Middle District of Pennsylvania, suite 1162, Federal Building, 228 Walnut Street, P.O. Box 11754, Harrisburg, Pennsylvania 17108. A copy of the proposed consent decree may also be examined at the Environmental Enforcement Section Document Center, 601 Pennsylvania Ave., NW., Box 1097, Washington, DC 20004. A copy of the proposed consent decree may be obtained in person or by mail from the Document Center. In requesting a copy please enclose a check in the amount of $6.50 (25 cents per page reproduction costs) payable to "Consent Decree Library."

Barry M. Hartman,

Acting Assistant Attorney General, Environment and Natural Resources Division.

[FR Doc. 92–6633 Filed 3–20–92; 8:45 am]

BILLING CODE 4410–01–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposal To Provide Additional Data From Surveys of Employee Compensation

AGENCY: Bureau of Labor Statistics, Labor.

ACTION: Request for comments on proposed new data.

SUMMARY: The Department, through the Bureau of Labor Statistics (BLS), currently collects and publishes extensive data on employee compensation. Among the Department's compensation surveys are the Employment Cost Index (ECI) and the Employee Benefits Survey (EBS). The ECI provides data on employer costs for employee compensation while the EBS provides data on the incidence and detailed characteristics of benefit plans. Since 1990, these two surveys have been collected from the same sample of establishments. Now BLS proposes to combine the output from these surveys to produce additional data on employee compensation. The new data will combine the employer's cost with the corresponding benefit plan provisions.

The Department is seeking comments at this time so that the interested public may be involved at the outset in the development of these new compensation data.

DATES: Comments are due by July 1, 1992.

ADDRESSES: Send comments to William J. Wiatrowski, Project Director, Employee Benefits Survey, Bureau of Labor Statistics, 441 G Street, NW., Washington, DC 20212. Telephone 202–523–9444.

FOR FURTHER INFORMATION CONTACT: Willliam J. Wiatrowski, Project Director, Employee Benefits Survey, Bureau of Labor Statistics, Telephone 202–523–9444.

SUPPLEMENTARY INFORMATION: The Employment Cost Index (ECI) is the most comprehensive measure of labor cost change and levels in the U.S. The ECI was developed in stages. The series began in 1976 with 20 published series of wage changes. In 1980, the ECI began publishing changes in total compensation (wages and benefits together) for the most aggregate of the series, was designated as a Principal Federal Economic Indicator, and became the primary series for analyzing labor cost inflation. In 1981, wage and total compensation series were added for State and local governments.

Since 1981, the ECI has expanded further. Over 200 wage and total compensation indexes, providing extensive occupational, industrial, union status, and geographic detail, are published. In addition, indexes of benefit costs are published for some aggregate series. The ECI includes data on a variety of benefits, including paid leave, insurance, retirement, legally-required, and other benefits. In 1987, the ECI began publishing the hourly costs of wages and benefits for broad occupation and industry groups. Publication of seasonally adjusted series began in 1991.

The Employee Benefits Survey (EBS) has provided extensive data on the availability and detailed characteristics of employee benefits since 1979. In 1990, the EBS completed its first study of employee benefits in small private establishments, the only comprehensive data of its kind available. Upon completion of the 1991 EBS, benefits data will be available for all full-time and part-time private sector and State and local government workers in the U.S.

The EBPS provides incidence data for over 50 employee benefits. Extensive provision data are tabulated for over 20 major benefits, including insurance benefits (such as medical care, dental care, life insurance, and disability income plans), retirement benefits (such as defined benefit pension plans, savings and thrift plans, and profit sharing plans), and leave benefits (such as holidays, vacations, and parental leave). Data are presented separately for full-time and part-time workers and for broad occupational categories.

The BLS began working on integrating the EBS and ECI in 1987, and in November 1989 the data required for both surveys were collected from a single sample for the first time. The BLS currently collects, from this single sample of employers, much of the data needed to provide integrated employer cost and plan provision data for a variety of benefits. The two surveys are integrating their theoretical foundations. For example, the basic unit of observation in the ECI is the occupation in the establishment while in EBS it is the benefit plan. This and similar conceptual issues must be resolved before integrated data can be produced.

Before final decisions are made on the nature of the combined ECI/EBS tabulations to be produced, the input of current and potential data users is requested. The public is asked to comment on the types of data desired, the availability of data for specific subgroups of the country (such as by industry, occupation, geographic region, size of establishment, or other variables), the need for electronic data and any special requirements, the frequency of data availability, and any other relevant topic. Commenters are encouraged to provide specific comments that relate to their areas of expertise, the benefit topics with which they regularly work, and any other matters that they believe would be of interest to the Department as it develops its plans in this area.

Signed at Washington, DC, this 16th day of March 1992.

George L. Stelluto,

Associate Commissioner for Compensation and Working Conditions, Bureau of Labor Statistics.

[FR Doc. 92-6651 Filed 3-20-92; 8:45 am]

BILLING CODE 4510-24-M

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 ("the Act") and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Office of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under title II, chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 2, 1992.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Office of Trade Adjustment Assistance, at the address shown below, not later than April 2, 1992.

The petitions filed in this case are available for inspection at the Office of the Director, Office of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue NW., Washington, D.C. 20210.

Signed at Washington, DC this 9th day of March 1992.

Marvin M. Fooks,

Director, Office of Trade Adjustment Assistance.

APPENDIX

Petitioner: Union/workers/firm—	Location	Date received	Date of petition	Petition No.	Articles produced
Anschutz Corp (Co)	Denver, CO	03/09/92	02/19/92	26,958	Oil, gas exploration.
AT&T Technologies, Inc. (IBEW)	Oklahoma City, OK	03/09/92	02/26/92	26,959	Computers and phone switching equipment.
Beta Manufacturing Co (UAW)	Warren, MI	03/09/92	02/27/92	26,960	Brake switches and electrical assemblies.
Bonney Forge, Inc. (wkrs)	Allentown, PA	03/09/92	02/19/92	26,961	Steel fittings.
C.P. Manufacturing of Bellwood (wkrs)	Bellwood, PA	03/09/92	02/28/92	26,962	Ladies lingerie.
Calderon Belts and Bags (wkrs)	New York, NY	03/09/92	02/26/92	26,963	Leather handbags.
Century Geophysical Corp (wkrs)	Tulsa, OK	03/09/92	02/24/92	26,964	Map sub-surface of ground for oil, gas.
MEPUS, Dallas Affiliate (co)	Denver, CO	03/09/92	01/27/92	26,965	Oil and gas.
MEPUS Denver Div. (Co)	Denver CO	03/09/92	01/27/92	26,966	Oil and gas.
Exxon Co. USA(co)	Houston, TX	03/09/92	02/26/92	26,967	Oil and gas exploration.
Exxon Co., Intl. (Co)	Houston, TX	03/09/92	02/26/92	26,968	Oil and gas exploration.
FMC Corp(wkrs)	Aberdeen, SD	03/09/92	02/25/92	26,969	Missle canisters.
Freeport McMoran Oil & Gas Co (wkrs)	New Orleans, LA	03/09/92	02/24/92	26,970	Crude oil, natural gas.
Hispan Corp (wkrs)	Decatur, AL	03/09/92	02/27/92	26,971	Polyacryloni-trile precursor.
Homestead Industries, Inc. (USWA)	Coraopolis, PA	03/09/92	03/01/92	26,972	Steam cleaners.
J.C. and Me(wkrs)	Holsopple, PA	03/09/92	02/26/92	26,973	Ladies sleepwear.
Jervis B. Webb Co (wkrs)	Mt. Vernon, oH	03/09/92	02/27/92	26,974	Conveyor systems.
M-I Drilling Fluids (wkrs)	Corpus Christi, TX	03/09/92	02/24/92	26,975	Barite, bentonite.
MEPUS Houston Div. (Co)	Houston, TX	03/09/92	01/27/92	26,976	Oil and gas.
MEPUS Midland Div. (Co)	Midland, TX	03/09/92	01/27/92	26,977	Oil and gas.
Mobil Expl. & Pro. Serv., Inc. (MEPSI (Co)	Hdqts), Dallas, TX	03/09/92	01/27/92	26,978	Oil and Gas
Mobil Expl./Prod U.S., Inc. (MEPUS) (Co)	(Hdqts) Houston, TX	03/09/92	01/27/92	26,979	Oil and gas.
Moog, Inc. (wkrs)	East Aurora, NY	03/09/92	03/01/92	26,980	Hydraulic Servo valves, & actuations.
National Oilwell (wkrs)	Houston, TX	03/09/92	02/23/92	26,981	Oil, gas drilling.
Noble Drilling Corp (wkrs)	Williston, ND	03/09/92	02/25/92	26,982	Oil drilling.
MEPUS, Offshore Div. (CO)	New Orleans, LA	03/09/92	03/09/92	26,983	Oil and Gas.
Potlatch Corp. (Clearwater Logg.) (IWA)	Lewiston, ID	03/09/92	02/26/92	26,984	Lumber.
Potlatch Corp. (Northern Logg.) (IWA)	Lewiston, ID	03/09/92	02/26/92	26,985	Lumber.
R.S. Vogt Co., Inc (wkrs)	Allensville, PA	03/09/92	03/02/92	26,986	Ladies robes, PJ's bodysuits.
Rex-Roseniew, Inc(OCAW)	Taterboro, NJ	03/09/92	02/14/92	26,987	Tee shirts.
Signetics Co(Co)	Orem, UT	03/09/92	02/24/92	26,988	Semiconductors.
Stolle Corp(Wkrs)	Sidney, OH	03/09/92	12/18/92	26,989	Computer memory disc.
Tubular Threading, Inc(Co)	Marrero, LA	03/09/92	02/24/92	26,990	Threads for oil country tubular goods.
UMC Petroleum(wkrs)	Houston, TX	03/09/92	02/05/92	26,991	Petroleum production.
Unisys Corp.(wkrs)	Flemington, NJ	03/09/92	03/04/92	26,992	Computers.
White and Ellis Drilling, Inc(wkrs)	Wichita, KS	03/09/92	02/20/92	26,993	Oil, gas drilling.

[FR Doc. 92-6648 Filed 3-20-92; 8:45 am]

BILLING CODE 4510-30-M

[TA-W-26,607]

Mercury Marine Fond Du Lac, Wisconsin; Negative Determination Regarding Application for Reconsideration

By an application dated February 25, 1992, Local #1947 of the International Association of Machinists (IAM) requested administrative reconsideration of the subject petition for trade adjustment assistance. The denial notice was signed on February 6, 1992 and was published in the **Federal Register** on February 25, 1992 (57 FR 6528).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) If it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) If in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

In order for a worker group to be certified eligible to apply for adjustment assistance benefits, it must meet all three of the Group Eligibility Requirements of the Trade Act: (1) A significant decrease in employment; (2) an absolute decrease in sales or production; and (3) an increase of imports which contributed importantly to worker separations and declines in sales or production. The "contributed importantly" test is generally demonstrated through a survey of the workers' firm's customers. The failure to meet any one of the worker group criteria would result in a negative determination.

The Department's denial was based on the fact the increased import criterion for outboard motors of under 30 horsepower and 30 horsepower and over was not met in 1990 compared to 1989 and the "contributed importantly" test for all sizes of motors was not met in 1990 compared to 1989 and in 1991 compared to 1990.

Company officials indicated that the major portion of Fond du Lac's sales is for the export market. Investigation findings show declines in Fond du Lac's sales to both the export and domestic markets. Clearly, increased U.S. imports would not form a basis for certification because of sales declines in the export market. Sales declines in the domestic market are the result of the current recession. Industry spokesman indicate that purchases of boats and motors are a discretionary purchase which may be postponed or canceled. Official Government data shows that consumption expenditures on boats and motors declined seven percent in 1991 compared to 1990 as a result of a decline in real disposable personal income for the same period.

The Department was not inconsistent in its determinations for Force Outboards in Hartford, Wisconsin and Mercury Marine in Fond du Lac. Investigation findings show that the Hartford plant was permanently closed in late 1991. Workers at Hartford were certified (TA-W-26,244) since they met all the worker group requirements of the Trade Act. Investigation findings show that the product mix was different at Hartford than at Mercury Marine. Also, company officials indicated that production at Force Outboards went to a different market with different customers from that of Mercury Marine. Further, company imports of small outboard motors from Japan increased substantially at Force Outboards in 1990 compared to 1989. Company imports at Mercury Marine were not substantial and declined in 1990 compared to 1989 and in the first nine months of 1991 compared to the same period in 1990.

Conclusion

After review of the application and investigative findings, I conclude that there has been no error or misinterpretation of the law or of the facts which would justify reconsideration of the Department of Labor's prior decision. Accordingly, the application is denied.

Signed at Washington, DC this 12th day of March 1992.

Stephen A. Wandner,

Deputy Director, Office of Legislation & Actuarial Service, Unemployment Insurance Service.

[FR Doc. 92-6649 Filed 3-20-92; 8:45 am]

BILLING CODE 4510-30-M

Mine Safety and Health Administration

Petitions for Modification

The following parties have filed petitions to modify the application of mandatory safety standards under section 101(c) of the Federal Mine Safety and Health Act of 1977.

1. Mingo Logan Coal Company

[Docket No. M-92-13-C]

Mingo Logan Coal Company, 1000 Mingo Logan Avenue, Wharncliffe, West Virginia 25651 has filed a petition to modify the application of 30 CFR 75.1002 (location of trolley wires, trolley feeder wires, high-voltage cables and transformers) to its Mountaineer Mine (I.D. No. 46-06958) located in Mingo County, West Virginia. The petitioner proposes to use high-voltage cables to power longwall face equipment.

2. Double M Coal Company, Inc.

[Docket No. M-92-14-C]

Double M Coal Company, Inc., P.O. Box 349, Appalachia, Virginia 24216 has filed a petition to modify the application of 30 CFR 75.1710 (canopies or cabs; electric face equipment) to its Mine No. 5 (I.D. No. 44-05661) located in Wise County, Virginia. Due to rises and dips in the mine's roof and floor, the petitioner proposes to operate electrical equipment without canopies.

3. G & C Coal Company

[Docket No. M-92-15-C]

G & C Coal Company, Rt. 1, Box 227, Woodbine, Kentucky 40771 has filed a petition to modify the application of 30 CFR 75.313 (methane monitor) to its No. 1 Mine (I.D. No. 15-16510) located in Whitley County, Kentucky. The petitioner proposes to use a hand-held continuous oxygen and methane monitor instead of continuous machine-mounted methane monitors on permissible three-wheel tractors with drag bottom buckets.

4. T/A Bucket Coal Company

[Docket No. M-92-16-C]

T/A Bucket Coal Company, 14 North Third Street, Minersville, Pennsylvania 17954 has filed a petition to modify the application of 30 CFR 75.301 (air quality, quantity, and velocity) to its Heather Mine (I.D. No. 36-07903) located in Schuylkill County, Pennsylvania. The petitioner requests a modification to require that the minimum quantity of air reaching each working face be 1,500 cubic feet a minute (cfm), the minimum quantity of air reaching the last open crosscut in any pair or set of developing entries be 5,000 cfm, and the minimum quantity of air reaching the intake end of a pillar line be 5,000 cmf.

5. Eastern Associated Coal Corporation

[Docket No. M-92-17-C]

Eastern Associated Coal Corporation, P.O. Box 1233, Charleston, West Virginia 25324 has filed a petition to modify the application of 30 CFR 75.305 (weekly

examinations for hazardous conditions) to its Harris No. 1 Mine (I.D. No. 46–01271) located in Boone County, West Virginia. The petitioner proposes to monitor ventilation in the longwall tailgate entry instead of traveling the return aircourse in its entirety.

6. Cordero Mining Company

[Docket No. M–92–18–C]

Cordero Mining Company, P.O. Box 1449, Gillette, Wyoming 82717–1449 has filed a petition to modify the application of 30 CFR 77.206(c) (ladders; construction; installation and maintenance) to its Cordero Mine (I.D. No. 48–00992) located in Campbell County, Wyoming. The petitioner proposes to use a permanent fall prevention system, with rigid rail or steel cable rope with a grabbing device that locks in place automatically to prevent falls, on mobile equipment instead of ladder backguards.

7. Cordero Mining Company

[Docket No. M–92–19–C]

Cordero Mining Company, P.O. Box 1449, Gillette, Wyoming 82717–1449 has filed a petition to modify the application of 30 CFR 77.1607(u) (loading and haulage equipment; operation) to its Cordero Mine (I.D. No. 48–00992) located in Campbell County, Wyoming. The petitioner proposes to use a "power pack" to power up the hydraulic or air system required to provide steering and braking systems, which would give the controls to the equipment being towed. The piece of equipment could then be towed with a steel cable choker which would eliminate the possibility of jack-knifing or over-straining from handling the heavy and awkward tow bar.

Request for Comments

Persons interested in these petitions may furnish written comments. These comments must be filed with the Office of Standards, Regulations and Variances, Mine Safety and Health Administration, room 627, 4015 Wilson Boulevard, Arlington, Virginia 22203. All comments must be postmarked or received in that office on or before April 22, 1992. Copies of these petitions are available for inspection at that address.

Dated: March 16, 1992.

Patricia W. Silvey,

Director, Office of Standards, Regulations and Variances.

[FR Doc. 92–6650 Filed 3–20–92; 8:45 am]

BILLING CODE 4510–43–M

Occupational Safety and Health Administration

[Docket No. NRTL–2–90

United States Testing Company, Inc., California Division

AGENCY: Occupational Safety and Health Administration, Department of Labor.

ACTION: Notice of application for recognition as a nationally recognized testing laboratory, and preliminary finding.

SUMMARY: This notice announces the application of the California Division of the United States Testing Company, Inc. for recognition as a Nationally Recognized Testing Laboratory (NRTL) under 29 CFR 1910.7, and presents the Agency's preliminary finding.

DATES: The last date for interested parties to submit comments is May 22, 1992.

ADDRESSES: Send comments to: NRTL Recognition Program, Office of Variance Determination, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., room N3653, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: James J. Concannon, Director, Office of Variance Determination, NRTL Recognition Program, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, NW., room N3653, Washington, DC 20210.

SUPPLEMENTARY INFORMATION:

Notice of Application

Notice is hereby given that the United States Testing Company, Inc., California Division (UST/CA) has made application pursuant to section 6(b) of the Occupational Safety and Health Act of 1970 (84 Stat. 1593, 29 U.S.C. 655), Secretary of Labor's Order No. 1–90 (55 FR 9033), and 29 CFR 1910.7 for recognition as a Nationally Recognized Testing Laboratory.

The address of the laboratory covered by this application is: United States Testing Company, Inc., California Division, 5555 Telegraph Road, Los Angeles, California 90040.

Regarding the merits of the application, the applicant contends that it meets the requirements of 29 CFR 1910.7 for recognition in the areas of testing which it has specified.

The applicant states that for each item of equipment or material to be certified, it has the capability (including proper testing equipment and facilities, trained staff, written testing procedures, and calibration and quality control programs) to perform testing and examination of equipment and materials for workplace safety purposes to determine conformance with appropriate test standards. Exhibit 2. A., Supplement II, Quality Control Manual, has been revised since the submittal of the original application. The revision, Exhibit 2. A. (1), Quality Control Manual, Volume 4—Rev. 9, 1990, contains sections dealing with organization, operational procedures, calibration, professional records (senior staff), and lists of equipment, apparatus, tools and chambers. Supplement IV contains details of the technical/professional staff, a directory of listed products, and sample test report.

The California Division occupies about 75,000 square feet of combined building and office space, testing yards and parking area, housing a full spectrum of test instrumentation and laboratories, states UST/CA. UST/CA asserts that adequate facilities are provided for the proper storage, installation, operation, and maintenance of all test equipment. Each department maintains the proper environment for the appropriate handling, storage, and conditioning of products to be tested. A stringent visitor access and supervision policy is also maintained. In addition, there is a security/fire system to safeguard the facilities during off hours. All doors and gates are protected by this system.

UST/CA states that it is completely independent of employers subject to the tested equipment requiremens, and of any manufacturers or vendors of equipment or materials being tested for these purposes. It further maintains that all the stock of the United States Testing Company, Inc. is now owned by Societe Generale de Surveillance. No client, business, government agency, trade or professional association, or other entity owns or has any vested interest in the stock or management of the United States Testing Company. The company is independently equipped and staffed, and its personnel perform only objective testing, inspection, evaluation, and analysis of products submitted by the clients of the company. No separate design, promotion, or consultation services are provided. Further, according to the applicant, neither the laboratory nor the persons employed in the laboratory have any affiliations with products designers, manufacturers, architects, government agencies, consumer interests, or any other group having a vested interest in the outcome of the laboratory testing or inspection activities. The United States Testing

Company states that it will continue to maintain this independence.

The United States Testing Company claims that it maintains effective procedures for producing creditable findings or reports that are objective and without bias. It states that complete and adequate records of the quality control program for the company are documented in each division's quality control manual. The UST/CA Quality Control Manual (Ex. 2. A., Supplement II) outlines operational procedures in effect for all in-house testing performed at the California Division. The Manual also provides pertinent information on the equipment calibration program and the personnel structure of the California Division, according to the applicant.

UST/CA states that it maintains effective procedures for handling complaints and disputes under a fair and reasonable system. An official report of test findings is generated for all in-house and field testing performed at the California Division. A procedure has also been implemented for appealing its decisions through a system which provides an unbiased review of any controversial matter. Under this corporate system, the UST/CA is capable of handling inquiries or complaints from the general public, inspection authorities, and government agencies; it is not limited to solving disputes between the client and the laboratory.

The applicant states that it provides for the implementation of control procedures for identifying the listed and labeled equipment or materials, inspection of the production run of such items at factories for product evaluation purposes to assure conformance with applicable test standards, and the conducting of field inspections to monitor and to assure the proper use of its identifying mark or labels on products. The United States Testing Company, Inc., established the Nationwide Consumer Testing Institute, Inc. (NCTI) Listing and Labeling Program as a third party certification program for product quality assurance. The Institute is a wholly owned subsidiary of UST. The "Nationwide" identification and listing and labeling mark are used to eliminate any possibility of identifying the program as an agency of the United States government. The NCTI Program is supported by written test methods and procedures that are based on applicable and appropriate test standards. This program is detailed in the Nationwide Consumer Testing Institute, Inc. *Policy and Format Manual*. (See Ex. 2. A., Supplement III). Within this document, the applicant states, four important aspects of the NCTI certification program are described. First, procedures for identifying the listed or labeled products are outlined. Second, procedures for conducting factory inspections of the production process are described. These inspections evaluate individual products and quality control procedures to determine conformance with the referenced test standards. Third, the procedures for conducting field inspections are outlined. These inspections are conducted to monitor and assure proper use of the NCTI label, to determine whether the product complies with test standards and safety requirements, and to evaluate the effectiveness of the applicable test standards. Finally, the NCTI Policy and Format Manual describes the follow-up listing program, which includes the maintenance of a listed products directory.

Background

According to the applicant, the United States Testing Compnay, Inc. is wholly owned and operated by Societe Generale de Surveillance (SGS), the largest inspection, testing, and expediting company in the world. In the United States, the SGS affiliates including the United States Testing Company are fully owned and controlled by SGS North America, Inc., which is incorporated in Delaware. UST is headquartered in Hoboken, New Jersey, and its Laboratory Services Group is made up of four additional branches located in different areas of the Country. The one of concern for this application, the California Division, is located in Los Angeles.

The applicant states that the United States Testing Company, Inc., was founded in 1880 as the New York Silk and Wool Conditioning Works. Over the next 30 years, the company increased its services into other fields of testing and expanded its facilities to other locations along the eastern seaboard. Because of this expansion, in 1910 the company's name was changed to the United States Conditioning and Testing Company. In 1920, the company became incorporated and subsequently changed its name to the United States Testing Company, Inc. Its offices and main laboratories were moved to Hoboken, New Jersey in 1926.

In 1942, according to the applicant, the third-party certification program was first established using the Seal of Quality of the United States Testing Company, Inc., and this program achieved nationwide implementation when the California Division was formed in 1953. In 1961, the Federal Trade Commission required the Company to change the name of this certification program to eliminate any possibility of identifying the program with an agency of the United States government. In response to this requirement, the Nationwide Consumer Testing Institute, Inc. (NCTI) was introduced the following year, and its label was registered with the U.S. Patent Office in 1969. (NCTI is a wholly owned subsidiary of the United States Testing Company, Inc.). The United States Testing Company, Inc., along with its Nationwide Consumer Testing Institute certification program, was purchased by Societe Generale de Surveillance in 1982.

The applicant states that the California Division of the United States Testing Company, Inc. consists of 41 professional or technical employees. The Electrical Department is the only one involved with certification as it applies to OSHA. Six employees are involved with the program, as follows:

1—Division General Manager
1—Electrical Department Manager
1—Electrical/Electronics Laboratory Supervisor
1—Project Engineer
1—Technical Writer
1—Electrical Engineer

The applicant desires recognition for testing and certification of products when tested for compliance with the following test standards, which are appropriate within the meaning of 29 CFR 1910.7(c):

ANSI/UL 1—Flexible Metal Conduit
ANSI/UL 3—Flexible Nonmetallic Tubing for Electric Wiring
ANSI/UL 250—Household Refrigerators and Freezers
ANSI/UL 514A—Metallic Outlet Boxes, Electrical
UL 544—Electric Medical and Dental Equipment
ANSI/UL 632—Electrically Actuated Transmitters
ANSI/UL 751—Vending Machines
ANSI/UL 913—Intrinsically Safe Apparatus and Associated Apparatus for Use in Class I, II, and III, Division I, Hazardous (Classified) Locations
ANSI/UL 1012—Power Supplies
UL 1236—Electric Battery Chargers
UL 1270—Radio Receivers, Audio Systems, and Accessories
ANSI/UL 1418—Implosion-Protected Cathode-Ray Tubes for Television-Type Appliances
UL 1459—Telephone Equipment
ANSI/UL 1484—Residential Gas Detectors
ANSI/UL 1571—Incandescent Lighting Fixtures

UL 1604—Electrical Equipment for Use in Class I and II, Division 2 and Class III Hazardous (Classified) Locations

Preliminary Finding

The United States Testing Company, Inc., California Division, addressed all of the criteria which had to be met for recognition as an NRTL in its initial application and in its further correspondence. For example, the applicant submitted a list of its test equipment and instrumentation; a roster of its personnel including resumes of those in key positions and copies of position descriptions; copies of a typical test report, a factory inspection form and an inspection summary; a summary of its listing, labeling, and follow-up services; a statement of its independence as a testing laboratory; and a copy of its Quality Assurance Manual including a description of its documentation, calibration system, appeals procedure, record keeping and operational procedures.

Nine major areas were examined in depth in carrying out the laboratory survey: Facility; test equipment; calibration program; test and evaluation procedures; test reports; records; quality assurance program; follow-up listing program; and personnel.

The discrepancies noted by the survey team in the on-site evaluation (Ex. 3.A.(1)) were adequately responded to by the applicant prior to the preparation of the survey report and are included as a separate corrective action report section (Ex. 3.A.(2)).

With the preparation of the final report of the United States Testing Company, Inc., California Division, the survey team was satisfied that the testing facility appeared to meet the necessary criteria required by the standard, and so noted in the On-Site Review Report (Survey). (See Ex. 3.A.).

Following a review of the application file and the on-site survey report of the UST/CA facility, the NRTL Recognition Program staff concluded that the applicant appeared to have met the requirements for recognition as a Nationally Recognized Testing Laboratory and, therefore, recommended to the Assistant Secretary that the application be preliminarily approved.

Based upon a review of the completed application file and the recommendation of the staff, the Assistant Secretary has made a preliminary finding that the United States Testing Company, Inc., California Division can meet the requirements for recognition as required by 29 CFR 1910.7.

All interested members of the public are invited to supply detailed reasons and evidence supporting or challenging the sufficiency of the applicant's having met the requirements for a Nationally Recognized Testing Laboratory, as well as appendix A, of 29 CFR 1910.7. Submission of pertinent written document and exhibits shall be made no later than May 22, 1992, and must be addressed to the NRTL Recognition Program, Office of Variance Determination, room N 3653, Occupational Safety and Health Administration, U.S. Department of Labor, Third Street and Constitution Avenue, N.W., Washington, DC 20210. Copies of the UST/CA application, the laboratory survey report, and all submitted comments, as received (Docket No. NRTL–2–90), are available for inspection and duplication at the Docket Office, room N 2634, Occupational Safety and Health Administration, U.S. Department of Labor, at the above address.

The Assistant Secretary's final decision on whether the applicant satisfies the requirements for recognition as an NRTL will be made on the basis of the entire record including the public submissions and any further proceedings that the Assistant Secretary may consider appropriate in accordance with appendix A of § 1910.7.

Signed at Washington, DC this 17th day of March, 1992.

Dorothy L. Strunk,

Acting Assistant Secretary.

[FR Doc. 92–6647 Filed 3–20–92; 8:45 am]

BILLING CODE 4510–26–M

MARTIN LUTHER KING, JR. FEDERAL HOLIDAY COMMISSION

Announcement of Meeting

The Martin Luther King, Jr. Federal Holiday Commission will hold its quarterly business meeting on Wednesday, April 8, from 1 to 3 p.m. in room 345 of the Cannon House Office Building.

Leonard Burchman,

Treasurer.

[FR Doc. 92–6617 Filed 3–20–92; 8:45 am]

BILLING CODE 4210–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Public Information Collection Requirement Submitted to OMB for Review

March 13, 1992.

The National Credit Union Administration has submitted the following public information collection requirements to OMB for review and clearance under the Paperwork Reduction Act of 1980, Public Law 96–511. Copies of the submissions may be obtained by calling the NCUA Clearance Officer listed. Comments regarding information collections should be addressed to the OMB reviewer listed and to the NCUA Clearance Officer, NCUA, Administrative Office, room 7344, 1776 G Street, Washington, DC 20456.

National Credit Union Administration

OMB Number: None.

Form Number: NCUA–10602(OT).

Type of Review: New Collection.

Title: Truth in Savings Survey.

Description: This is a one-time survey to learn how credit unions calculate dividends on deposits.

Respondents: Federally insured credit unions.

Estimated Number of Respondents: 450.

Estimated Burden Hours per Response: 0.167 hours.

Frequency of Response: One-Time.

Estimated Total Reporting Burden: 75 hours.

Clearance Officer: William A. Theard, (202) 682–9700, National Credit Union Administration, room 7344, 1776 G Street, NW., Washington, DC 20456.

OMB Reviewer: Gary Waxman (202) 395–7340, Office of Management and Budget, room 3208, New Executive Office Building, Washington, DC 20503.

Becky Baker,

Secretary of the NCUA Board.

[FR Doc. 92–6586 Filed 3–20–92; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts

Music Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Music Advisory Panel (Composers Fellowships/Services to Composers Section) to the National Council on the Arts will be held on April 7–9, 1992 from 9 a.m.–5:30 p.m. and April 10 from 9 a.m.–5 p.m. in room M–14 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506.

A portion of this meeting will be open to the public on April 10 from 3 p.m.–5 p.m. The topics will be policy and guidelines review.

The remaining portions of this meeting on April 7–9 from 9 a.m.–5:30 p.m. and April 10 from 9 a.m.–3 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6), and (9)(B) of section 552b of Title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussions at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contract the Office of Special Constituencies, National Endowment for the Art, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Washington, DC 20506, or call (202) 682–5433.

Dated: March 17, 1992.

Yvonne M. Sabine,

Director, Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–6594 Filed 3–20–92; 8:45 am]

BILLING CODE 7537–01–M

Visual Arts Advisory Panel; Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), as amended, notice is hereby given that a meeting of the Visual Arts Advisory Panel (Photography Fellowships Section) to the National Council on the Arts will be held on April 6–9, 1992 from 9 a.m.–6 p.m. and April 10 from 10 a.m.–4 p.m. in room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue NW., Washington, DC 20506

A portion of this meeting will be open to the public on April 10 from 2:30 p.m.–4 p.m. The topic will be policy and guidelines review.

The remaining portions of this meeting on April 6–9 from 9 a.m.–6 p.m. and April 10 from 10 a.m.–2:30 p.m. are for the purpose of Panel review, discussion, evaluation, and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1956, as amended including information given in confidence to the agency by grant applicants. In accordance with the determination of the Chairman of November 20, 1991, these sessions will be closed to the public pursuant to subsection (c)(4), (6), and (9)(B) of section 552b of title 5, United States Code.

Any person may observe meetings, or portions thereof, of advisory panels which are open to the public, and may be permitted to participate in the panel's discussion at the discretion of the panel chairman and with the approval of the full-time Federal employee in attendance.

If you need special accommodations due to a disability, please contact the Office of Special Constituencies, National Endowment for the Arts, 1100 Pennsylvania Avenue NW., Washington, DC 20506, 202/682–5532, TTY 202/682–5496, at least seven (7) days prior to the meeting.

Further information with reference to this meeting can be obtained from Ms. Yvonne M. Sabine, Advisory Committee Management Officer, National Endowment for the Arts, Wasington, DC 20506, or call (202) 682–5433.

Dated: March 17, 1992.

Yvonne Sabine,

Director,

Council and Panel Operations, National Endowment for the Arts.

[FR Doc. 92–6595 Filed 3–20–92; 8:45 am]

BILLING CODE 7537–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Economics; Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

NAME: Advisory Panel for Economics.

DATE & TIME: April 9, 1992, 9 am to 5 pm, April 10, 1992, 9 am to 5 pm, April 11, 1992, 9 am to noon.

PLACE: Rooms 540, 540B National Science Foundation, 1800 G Street, NW., Washington, DC 20550.

TYPE OF MEETING: Closed.

CONTACT PERSONS: Dr. Daniel Newlon, Program Director, Dr. Lynn Pollnow, Program Director and Dr. Vincy Fon, Associate Program Director, National Science Foundation, 1800 G Street, NW., room 336, Wasington, DC 20550, Telephone: 202/357–9406.

PURPOSE OF MEETING: To provide advice and recommendations concerning research proposals submitted to NSF for financial support.

AGENDA: To review and evaluate unsolicited research proposals, submitted to or being jointly considered by, the Economics Program as part of the selection process for awards.

REASON FOR CLOSING: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b.(c) (4) and (6) of the Government in the Sunshine Act.

Dated: March 18, 1992.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 92–6632 Filed 3–20–92; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 40–8027, License No. SUB–1010, EA 92–045]

In the Matter of Sequoyah Fuels Corp., Gore, OK; Order Modifying License (Effective Immediately)

I

Sequoyah Fuels Corporation (SFC or Licensee) is the holder of Source Material License No. SUB–1010 issued by the Nuclear Regulatory Commission (NRC or Commission) pursuant to 10 CFR part 40. The license authorizes possession and use of source material in the production of uranium hexafluoride (UF6) and depleted uranium tetrafluoride (DUF4) in accordance with the terms and conditions of the license. The license was due to expire on September 30, 1990, but currently remains in effect based on a timely renewal application submitted by the Licensee.

II

On November 5, 1990, NRC issued a Demand for Information to SFC (EA 90–158) for the purpose of obtaining information to determine whether there was reasonable assurance that SFC could properly manage licensed activities in accordance with Commission requirements. This Demand was based in part on the failure by key managers at SFC to accurately and completely inform the NRC of material facts in a prompt manner.

On October 3, 1991, the NRC issued an Order Modifying License (Effective Immediately) and Demand for Information to SFC (EA 91–067) to address a number of significant safety violations and regulatory problems.

Significantly, the Order was based, in part, on the failure of a responsible licensee official to fully provide complete and accurate information to the NRC. The purpose of the Demand was to obtain further information from the Licensee in order to determine whether the Commission could have reasonable assurance that certain individual managers holding key positions described in the License would properly carry out their responsibilities and authorities. That Demand was issued, in part, because it appeared that these key SFC management officials were not candid with the NRC concerning regulatory matters.

The Licensee responded to the Demand in two letters, both dated December 2, 1991. In those responses, the Licensee asserted its belief that the individuals named in the Demand neither acted in careless disregard of their respective responsibilities for licensed activities nor failed to be candid with the NRC. However, the Licensee admitted that the individuals made errors in judgment, missed opportunities to identify and correct deficiencies at an earlier stage, and could have done more to assure that the NRC was fully informed of SFC activities.

By letter dated December 18, 1991, the Licensee stated that it did not intend to use any of the named individuals in the performance and supervision of NRC-licensed activities, and should it desire to use any of the named individuals in such capacities in the future, it would provide the NRC at least 30 days notice. The NRC confirmed this commitment in a Confirmatory Order dated January 13, 1992 (EA 91–196).

On January 7, 1992, an employee approached NRC inspectors with allgations involving potential wrongdoing. Specifically, it was alleged that an SFC health physics (HP) supervisor was condoning, if not encouraging, the falsification of records and improper vehicle surveys. Subsequent discussions with an HP technician raised further concerns regarding the adequacy of surveys performed on vehicles prior to their release from the site.

On January 8, 1992, a senior NRC official on site discussed this matter with the Vice President for Regulatory Affairs, a contractor hired by the Licensee as an interim replacement for one of the key positions recently vacated as a consequence of the October 3, 1991 Order. This discussion was for the purpose of advising SFC of the allegations and potential safety issues so that SFC could investigate the matter and take appropriate corrective action. The Vice President did not, however, convey to the NRC official during that discussion ot two subsequent telephone calls, that he had been aware of the substance of the allegations since January 2, 1992 and that he had directed that SFC initiate an investigator into the specific matters identified by the senior NRC official.

Finally, on January 20, 1992, SFC notified the NRC of the discovery of contamination in the plant warehouse, an unrestricted area. An NRC inspection team subsequently determined that the Licensee had first become aware of the contamination as early as November 22, 1991. In addition, the NRC team also found that the Licensee had also discovered contamination in the SFC Carlile Training Center, an unrestricted offsite facility, as early as November 13, 1991. However, until the NRC inspection, the Licensee failed to either control the contaminated material or take action to restrict access to the areas where the contaminated material was stored.

III

Based on the above, it appears that the Licensee has not been able to overcome and correct SFC's history of lack of candor in bringing potential safety and regulatory issues to NRC's attention. It is recognized that each of the failures to bring forth information to the NRC was not necessarily a violation of NRC requirements. Nevertheless, given the regulatory issues at SFC, it is imperative that NRC be kept fully and promptly informed of potential safety and regulatory issues occurring at this facility. Without this information, NRC could be significantly hampered in its ability to properly regulate activities at SFC.

Consequently, to further assure SFC's management will keep the NRC fully informed of potential safety and regulatory concerns and to provide additional assurance that NRC will be able to effectively carry out its regulatory oversight of the activities at SFC, it is necessary to require that License No. SUB–1010 be modified to include additional reporting requirements. Furthermore, pursuant to 10 CFR 2.202, I find that the public health, safety and interest require that this Order be immediately effective.

IV

Accordingly, pursuant to sections 63, 161b, 161i, 161o, 182, and 186 of the Atomic Energy Act of 1954, as amended, and the Commission's regulations in 10 CFR 2.202 and 10 CFR part 40, *It is Hereby Ordered*, effective immediately, that license no. SUB–1010 is modified as follows:

The Licensee shall, to the extent not covered by any other reporting requirement, including but not limited to 10 CFR 40.9(b), inform the Regional Administrator, Region IV, in writing, within five working days of awareness of the following:

A. Failure to follow procedures or other requirements where there are indications that the cause was a deliberate failure to meet requirements. A deliberate failure is a failure caused by deliberate misconduct as defined in 10 CFR 40.10(c).

B. Spills or other unusual occurrences involving the spread of contamination in and around the SFC's facility, equipment, or site, subject to 10 CFR 40.36(f)(1), even if the contamination has been or will be cleaned up.

C. Any failure of equipment or facilities, or failure to follow procedures, which leads to (1) offsite release or contamination in unrestricted areas in excess of SFC's administrative limits; (2) any contamination in restricted areas that requires activities in an area to be suspended for more than twenty four hours pending decontamination; or (3) any personnel contamination in excess of SFC's administrative limits which within one hour of detection is not reduced to within limits.

D. Employee concerns or allegations that any of the above failures may have occurred unless it is determined within the above five working days that the concern or allegation is not valid.

E. Any other matter that the President, SFC, believes rises to a regulatory or safety concern that warrants NRC notification.

The Regional Administrator, Region IV, may, in writing, relax or rescind any of the above conditions upon demonstration by the Licensee of good cause.

V

In accordance with 10 CFR 2.202, the Licensee must, and any other person adversely affected by this order may, submit an answer to this Order, within 20 days of the date of this Order. The answer may consent to this Order. Unless the answer consents to this Order, the answer shall, in writing and under oath or affirmation, specifically admit or deny each allegation or charge made in this Order and shall set forth the matters of fact and law on which the Licensee or other person adversely affected relies and the reasons as to why the Order should not have been issued. Any answer filed within 20 days of the date of this Order may include a

request for a hearing. Any answer or request for a hearing shall be submitted to the Secretary, U.S. Nuclear Regulatory Commission, Attn: Chief, Docketing and Services Section, Washington, DC 20555. Copies shall also be sent to the Director, Office of Enforcement, U.S. Nuclear Regulatory Commission, Washington, DC 20555, to the Assistant General Counsel for Hearings and Enforcement at the same address, to the Regional Administrator, NRC Region IV, 611 Ryan Plaza Drive, suite 400, Arlington, Texas 76011 and to the Licensee if the answer or hearing request is by a person other than the Licensee. If a person other than the Licensee requests a hearing, that person shall set forth with particularity the manner in which his interest is adversely affected by this Order and shall address the criteria set forth in 10 CFR 2.714(d).

If a hearing is requested by a Licensee or a person whose interest is adversely affected, the Commission will issue an Order designating the time and place of any hearings. If a hearing is held, the issue to be coinsidered at such hearing shall be whether this Order should be sustained.

VI

In the absence of any request for hearing, the provisions specified in Section IV above shall be final in 20 days from the date of the Order without further order or proceedings. An answer or request for a hearing shall not stay the immediate effectiveness of the order.

Dated at Rockville, Maryland this 13th day of March, 1992.

For the Nuclear Regulatory Commission.

Hugh L. Thompson, Jr,

Deputy Executive Director for Nuclear Material Safety, Safeguards, and Operations Support.

[FR Doc. 92-6663 Filed 3-20-92; 8:45 am]

BILLING CODE 7590-01-M

[Docket No. 50-346]

Toledo Edison Co.; Consideration of Issuance of Amendment to Facility Operating License, Proposed No Significant Standards Consideration Determination, and Opportunity for Hearing

The U.S. Nuclear Regulatory Commission (the Commission) is considering issuance of an amendment to Facility Operating License No. NPF-3, issued to Toledo Edison Company (the licensee), for operation of the Davis-Besse Nuclear Power Station, Unit 1 located in Ottawa County, Ohio.

The amendment would allow continual operation in the event that either the reactor coolant system (RCS) loop 1 vent path or the RCS loop 2 vent path (but not both) is inoperable and cannot be restored to operable status within 30 days. In lieu of a plant shutdown, a Special Report would be prepared and submitted to the NRC within the next 30 days outlining the action taken, the cause of inoperability, and the plans and schedule for restoring the vent path to operable status.

Unidentified RCS leakage had increased during this operating cycle, although it remained within Technical Specification limits. During a recent containment entry, the licensee identified RCS loop 2 vent path as a source of RCS leakage and isolated the vent path to minimize RCS leakage. The licensee then promptly submitted the proposed license amendment, requesting to continue operation with a single loop vent path closed, so as to minimize RCS leakage.

Before issuance of the proposed license amendment, the Commission will have made findings required by the Atomic Energy Act of 1954, as amended (the Act) and the Commission's regulations.

The Commission has made a proposed determination that the amendment request involves no significant hazard consideration. Under the Commission's regulations in 10 CFR 50.92, this means that operation of the facility in accordance with the proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated; or (3) involve a significant reduction in a margin of safety.

The proposed amendment would not (1) involve a significant increase in the probability or consequences of an accident previously evaluated, because the RCS loop vent paths are not required to function to mitigate any Design Basis Accident; or (2) create the possibility of a new or different kind of accident from any accident previously evaluated, because an RCS loop vent path does not function during plant operation, so an isolated RCS loop vent path will not affect plant operation; or (3) involve a significant reduction in a margin of safety because the RCS loop vent paths are not required to function to mitigate any Design Basis Accident.

Accordingly, the Commission proposes to determine that this change does not involve a significant hazards consideration.

The Commission is seeking public comments on this proposed determination. Any comments received within fifteen (15) days after the date of publication of this notice will be considered in making any final determination. The Commission will not normally make a final determination unless it receives a request for a hearing.

Written comments may be submitted by mail to the Regulatory Publications Branch, Division of Freedom of Information and Publications Services, Office of Administration, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and should cite the publication date and page number of this Federal Register notice. Written comments may also be delivered to room P-223, Phillips Building, 7920 Norfolk Avenue, Bethesda, Maryland, from 7:30 a.m. to 4:15 p.m. Copies of written comments received may be examined at the NRC Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC. The filing of requests for hearing and petitions for leave to intervene is discussed below.

By April 22, 1992, the licensee may file a request for a hearing with respect to issuance of the amendment to the subject facility operating license and any person whose interest may be affected by this proceeding and who wishes to participate as a party in the proceeding must file a written request for hearing and a petition for leave to intervene. Requests for a hearing and petitions for leave to intervene shall be filed in accordance with the Commission's "Rules of Practice for Domestic Licensing Proceedings" in 10 CFR Part 2. Interested persons should consult a current copy of 10 CFR 2.714 which is available at the Commission's Public Document Room, the Gelman Building, 2120 L Street, NW., Washington, DC 20555 and at the Local Public Document Room located at the University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606. If a request for a hearing or petition for leave to intervene is filed by the above date, the Commission or an Atomic Safety and Licensing Board, designated by the Commission or by the Chairman of the Atomic Safety and Licensing Board Panel, will rule on the request and/or petition; and the Secretary or the designated Atomic Safety and Licensing Board will issue a notice of hearing or an appropriate order.

As required by 10 CFR 2.714, a petition for leave to intervene shall set forth with particularity the interest of the petitioner in the proceeding, and

how that interest may be affected by the results of the proceeding. The petition should specifically explain the reasons why intervention should be permitted with particular reference to the following factors: (1) The nature of the petitioner's right under the Act to be made a party to the proceeding; (2) the nature and extent of the petitioner's property, financial, or other interest in the proceeding; and (3) the possible effect of any order which may be entered in the proceeding on the petitioner's interest. The petition should also identify the specific aspect(s) of the subject matter of the proceeding as to which petitioner wishes to intervene. Any person who has filed a petition for leave to intervene or who has been admitted as a party may amend the petition without requesting leave of the Board up to fifteen (15) days prior to the first pre-hearing conference scheduled in the proceeding, but such an amended petition must satisfy the specificity requirements described above.

Not later than fifteen (15) days prior to the first prehearing conference scheduled in the proceeding, a petitioner shall file a supplement to the petition to intervene, which must include a list of the contentions that are sought to be litigated in the matter. Each contention must consist of a specific statement of the issue of law or fact to be raised or controverted. In addition, the petitioner shall provide a brief explanation of the bases of the contention and a concise statement of the alleged facts or expert opinion which support the contention and on which the petitioner intends to rely in providing the contention at the hearing. The petitioner must also provide references to those specific sources and documents of which the petitioner is aware and on which the petitioner intends to rely to establish those facts or expert opinion. Petitioner must provide sufficient information to show that a genuine dispute exists with the applicant on a material issue of law or fact. Contentions shall be limited to matters within the scope of the amendment under consideration. The contention must be one which, if proven, would entitle the petitioner to relief. A petitioner who fails to file such a supplement which satisfies these requirements with respect to at least one contention will not be permitted to participate as a party.

Those permitted to intervene become parties to the proceeding, subject to any limitations in the order granting leave to intervene, and have the opportunity to participate fully in the conduct of the hearing, including the opportunity to present evidence and cross-examine witnesses.

If the amendment is issued before the expiration of 30-days, the Commission will make a final determination on the issue of no significant hazards considerations. If a hearing is requested, the final determination will serve to decide when the hearing is held.

If the final determination is that the amendment request involves a no significant hazards consideration, the Commission may issue the amendment and make it effective, notwithstanding the request for a hearing. Any hearing held would take place after issuance of the amendment.

If the final determination is that the amendment request involves a significant hazards consideration, any hearing held would take place before the issuance of any amendment.

Normally, the Commission will not issue the amendment until the expiration of the 15-day notice period. However, should circumstances change during the notice period, such that failure to act in a timely way would result, for example, in derating or shutdown of the facility, the Commission may issue the license amendment before the expiration of the 15-day notice period, provided that its final determination is that the amendment involves no significant hazards considerations. The final determination will consider all public and State comments received. Should the Commission take this action, it will publish in the **Federal Register** a notice of issuance. The Commission expects that the need to take this action will occur very infrequently.

A request for a hearing or a petition for leave to intervene must be filed with the Secretary of the Commission, U.S. Nuclear Regulatory Commission, Washington, DC 20555, Attention: Docketing and Service Branch, or may be delivered to the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC, by the above date. Where petitions are filed during the last ten (10) days of the notice period, it is requested that the petitioner promptly so inform the Commission by a toll-free telephone call to Western Union at 1 (800) 325–6000 (in Missouri 1 (800) 342–6700). The Western Union operator should be given Datagram Identification Number 3737 and the following message addressed to John N. Hannon: petitioner's name and telephone number; date petition was mailed; plant name; and publication date and page number of this **Federal Register** notice. A copy of the petition should also be sent to the Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555, and to Jay E. Silberg, Esq., Shaw, Pittman, Potts and Trowbridge, 2300 N Street NW., Washington, DC 20037, attorney for the licensee.

Nontimely filings of petitions for leave to intervene, amended petitions, supplemental petitions and/or requests for hearing will not be entertained absent a determination by the Commission, the presiding officer or the presiding Atomic Safety and Licensing Board that the petition and/or request should be granted based upon a balancing of the factors specified in 10 CFR 2.714(a)(1)(i)–(v) and 2.714(d).

For further details with respect to this action, see the application for amendment dated March 13, 1992, which is available for public inspection at the Commission's Public Document Room, the Gelman Building, 2120 L Street NW., Washington, DC 20555, and at the Local Public Document Room, University of Toledo Library, Documents Department, 2801 Bancroft Avenue, Toledo, Ohio 43606.

Dated at Rockville, Maryland, this 18th day of March 1992.

For the Nuclear Regulatory Commission.

Jon B. Hopkins, Sr.,

Project Manager, Project Directorate III–3, Division of Reactor Projects III/IV/V, Office of Nuclear Reactor Regulation.

[FR Doc. 92–6768 Filed 3–20–92; 8:45 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–30478; File No. SR–NASD–91–68]

Self-Regulatory Organizations; National Association of Securities Dealers, Inc.; Order Approving Proposed Rule Change Relating to the Forwarding of Proxy Material

March 16, 1992.

On December 19, 1991, the National Association of Securities Dealers, Inc. ("NASD" or "Association") submitted a proposed rule change to the Securities and Exchange Commission ("SEC" or "Commission") pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act") [1] and Rule 19b–4 thereunder.[2] The proposal amends the Interpretation of the Board of Governors—Forwarding of Proxy and Other Materials, under Article III, section 1 of the NASD's Rules of Fair

[1] 15 U.S.C. 78s(b)(1) (1988).

[2] 17 CFR 240.19b–4 (1991).

Practice [3] ("Interpretation") in order to require NASD member firms to forward proxy material to beneficial owners at the request of persons other than the issuer, *i.e.* stockholders.[4]

Notice of the proposed rule change, as amended, together with its terms of substance was provided by the issuance of a Commission release (Securities Exchange Act Release No. 30341, February 6, 1992) and by publication in the **Federal Register** (57 FR 5193, February 12, 1992). No comments were received on the proposal. This order approves the proposed rule change.

In May 1991, the staff of the Commission's Division of Market Regulation ("Division"), in connection with the review of an earlier proposed rule change,[5] requested that the NASD consider amending the Interpretation to require NASD members to forward proxy material to beneficial owners upon the request of persons other than the issuer. Previously, the Interpretation required NASD members to forward proxy material to beneficial owners upon the request of the issuer, but did not extend the duty to forward proxy material upon the request of other persons who are shareholders of the issuer. Upon considreration of the Divsion's request, the NASD determined that potential exists for disruption in proxy communications in circumstances where stockholders in possession of the stockholder lists request NASD members to forward material to beneficial owners.

Currently, only those NASD members that are affiliated with the New York Stock Exchange ("NYSE") and the American Stock Exchange ("AMEX") are required to forward proxy material upon the request of a "person" other than the issuer of the stock.[6] The NASD has proposed the instant rule change in order to eliminate the disparity that exists in the rules regarding the forwarding of proxy material between NASD members that are affiliated with the NYSE and/or AMEX and those NASD members that are not so affiliated.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to the NASD. By requiring NASD members to forward proxy material upon the request of persons other than issuers, investors will be aided in evaluating the character of the securities they hold and in their ability to act upon the rights and responsibilities that accompany ownership of securities. Further, the Commission believes that the potential for improved communications between shareholders will be of mutual benefit to both NASDAQ-listed companies and their shareholders. Finally, because these amendments will prevent unwarranted discrimination in the level of information provided to investors by creating a uniform standard of service by NASD members forwarding proxy information, the Commission finds that the proposed rule change is consistent with the requirements of section 15A(b)(6) of the Act.[7] Section 15A(b)(6) requires, in part, that the rules of the NASD be designed "to promote just and equitable principles of trade * * * to protect investors and the public interest * * *" and "are not designed to permit unfair discrimination * * *."

It is therefore ordered, Pursuant to section 19(b)(2) of the Act, that the above-mentioned proposed rule change be, and hereby is, approved.

For the Commission, by the Division of Market Regulation pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6605 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

[3] *NASD Securities Dealers Manual*, Interpretation of the Board of Governors—Forwarding of Proxy and Other Material, Article III, section 1, Rules of Fair Practice, CCH ¶ 2151.05.

[4] On January 30, 1992, the NASD filed Amendment No. 1 to the proposed rule change. Amendment No. 1 clarifies the descriptive language of the proposal and does not reflect substantive changes. It is available for inspection and copying in the Commission's Public Reference Room.

[5] The Interpretation was recently amended to require the forwarding of material other than proxy material upon the request of the issuer. File No. SR-NASD-91-20, Securities Exchange Act Release No. 29512 (July 31, 1991).

[6] NYSE members currently are required to forward proxy material upon the request of a "person" pursuant to NYSE Rule 451. AMEX members are required to forward proxy material upon the request of a "person" pursuant to AMEX Rule 576.

[7] 15 U.S.C. 78O-3(b)(6) (1988).

[8] 17 CFR 200.30-3(a)(12) (1991).

[Release No. 34-30479; File No. SR-NASD-92-1]

Self-Regulatory Organizations; Proposed Rule Change by National Association of Securities Dealers, Inc., Relating to Market Maker Registration in Mergers or Acquisitions

March 16, 1992.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"), 15 U.S.C. 78s(b)(1), notice is hereby given that on January 21, 1992, the National Association of Securities Dealers, Inc. ("NASD" or "Association") filed with the Securities and Exchange Commission ("Commission" or "SEC") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the NASD.[1] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The NASD is proposing amendments to Schedule D to the NASD By-Laws to permit same-day registration for market makers in certain merger or acquisition situations.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the NASD included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The NASD has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of and Statutory Basis for, the Proposed Rule Change

The Association is proposing an amendment to part VI of schedule D to the NASD By-Laws to permit immediate on-line registration of market makers in situations where a merger or acquisition has been publicly announced. The NASD proposes to allow a market maker registered in either one of the two affected companies to register in the other company on a same-day basis. Further, the NASD is proposing that if a market maker in this narrowly construed situation has withdrawn from one of the affected securities, the withdrawal shall be considered an excused withdrawal so long as the

[1] On February 4 and March 2, 1992, the NASD filed, respectively, Amendments 1 and 2 to the proposed rule change. The amendments clarify that a market maker must have withdrawn in one of the affected securities *prior to* the public announcement of a merger or acquisition, in order to qualify for an excused withdrawal when it seeks to reregister in the security. Copies of the two amendments are available for inspection and copying in the Commission's Public Reference Room.

market maker has remained registered in the other issue. The 20-day prohibition against reregistering in the security contained in Part VI of Schedule D will, therefore, not apply to market makers that have withdrawn from a company and subsequently wish to register in the stock pursuant to the same-day registration procedures for a publicly announced merger or acquisition, so long as the market maker has remained active in one of the companies.

Current registration requirements contained in Schedule D include a one-day waiting period to avoid a form of "fair-weather" market making. The one-day provision was implemented as a cooling off period to prevent market makers from registering in a stock immediately after good news is announced or with the intent to execute a single customer order, with the possibility of withdrawing immediately thereafter.

The situation where a merger or acquisition is publicly announced and it is anticipated that there will be only one surviving entity after the event has occurred is a different situation. Market makers in one security may wish to register immediately in the second company to provide liquidity and depth in both issues and to more effectively manage the risk of their positions in the first entity. If a market maker is already registered in one of the two securities, the NASD believes that in these narrowly drawn situations, an immediate on-line registration as a NASDAQ market maker is appropriate.

Additionally, the NASD believes that if the market maker has previously been registered in both securities and has withdrawn from one of the issues, the withdrawal should be considered excused if a merger or acquisition is subsequently announced. The 20-day penalty period for market makers that voluntarily withdraw from NASDAQ issues was promulgated to prevent market makers from dropping out of issues during turbulent markets and reentering the issues immediately thereafter. The NASD believes that merger and acquisition situations are sufficiently different and do not represent similar opportunities for fair-weather market making. Therefore, granting excused withdrawal status is appropriate in these situations as long as the market maker has remained an active market maker in one of the two affected companies.

The NASD believes the proposed rule change is consistent with section 15A(b)(6) of the Act. Section 15A(b)(6) requires that the rules of a national securities association be designed "to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market * * *." The proposed rule change will facilitate market liquidity in companies that are involved in mergers or acquisitions.

B. Self-Regulatory Organization's Statement on Burden on Competition

The NASD believes that the proposed rule change will not result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

Comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the NASD consents, the Commission will:

A. By order approved such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing. Person making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule changes that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the NASD. All submissions should refer to the file number in the caption above and should be submitted by April 13, 1992.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority, 17 CFR 200.30-3(a)(12).

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 92-6606 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-10430]

Issuer Delisting; Notice of Application To Withdraw From Listing and Registration (Interneuron Pharmaceuticals, Inc., Common Stock, $0.001 Par Value)

March 17, 1992.

Interneuron Pharmaceuticals, Inc. ("Company") has filed an application with the Securities and Exchange Commission, ("Commission") pursuant to Section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified security from listing and registration on the Boston Stock Exchange, Inc. ("BSE" or "Exchange").

The reasons alleged in the application for withdrawing this security from listing and registration include the following:

According to the Company, commencing on March 17, 1992, its Common Stock will be listed for quotation on the National Association of Securities Dealers, Inc. National Market System ("NASDAQ/NMS"), and the rules of the BSE and NMS do not permit a security to be listed on both the BSE and the NMS.

Any interested person may, on or before April 7, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6657 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-7626]

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Universal Foods Corporation, Common Stock, $.10 Par Value; Rights to Purchase Common Stock)

March 17, 1992.

Universal Foods Corporation ("Company") has filed an application with the Securities and Exchange Commission, ("Commission") pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the Pacific Stock Exchange, Inc. ("PSE").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

According to the Company, the Common Stock and Rights are currently listed on both the New York Stock Exchange ("NYSE") and the PSE. The Company listed the Common Stock and Rights on the PSE in August of 1986 after purchasing a frozen products business located on the West Coast. At that time, the Company anticipated that this new business, together with the Company's existing dehydrated products business, which is also located on the West Coast, would contribute to increased interest in the Company by investors residing on the West Coast. Based upon this belief and the Company's hope that an active trading market for the Company's securities would develop on the West Coast, the Company decided to list the Common Stock and Rights on the PSE. An active trading market on the PSE for the Common Stock and Rights, however, never developed. During the last three years, less than 3% of the daily trading volume of the Common Stock and Rights has been on the PSE. Accordingly, the Company decided that it was in the best interests of the Company and its shareholders to delist the Common Stock and Rights from the PSE. The Common Stock and Rights, however, will continue to be listed on the NYSE.

Any interested person may, on or before April 7, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6656 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

[File No. 1-10787]

Issuer Delisting; Notice of Application to Withdraw from Listing and Registration; (Veterinary Centers of America, Inc., Common Stock, $0.001 Par Value; Redeemable Warrants)

March 17, 1992.

Veterinary Centers of America, Inc. ("Company") has filed an application with the Securities and Exchange Commission ("Commission"), pursuant to section 12(d) of the Securities Exchange Act of 1934 ("Act") and Rule 12d2-2(d) promulgated thereunder, to withdraw the above specified securities from listing and registration on the American Stock Exchange, Inc. ("Amex").

The reasons alleged in the application for withdrawing these securities from listing and registration include the following:

According to the Company, its Board of Directors unanimously approved resolutions on December 2, 1992 to withdraw the Company's Common Stock and Warrants from listing on the Amex and, instead, list such Common Stock and Warrants on the National Association of Securities Dealers Automated Quotations National Market System ("NASDAQ/NMS"). The decision of the Board followed a lengthy study of the matter, and was based upon the belief that listing of the Common Stock and Warrants on NASDAQ/NMS will be more beneficial to its shareholders than the present listing on the Amex because:

(1) The Company believes that the NASDAQ/NMS system of competing market makers will result in increased visibility and sponsorship for its Common Stock and Warrants than is presently the case with the single specialist on the Amex;

(2) The Company believes that the NASDAQ/NMS system will offer the Company's shareholders more liquidity than is presently available on the Amex and less volatility in quoted prices per share when trading volume is slight;

(3) The Company believes that the NASDAQ/NMS system will offer the opportunity for the Company to secure its own group of market makers and expand the capital base available for trading in the Common Stock and Warrants; and

(4) The Company believes that the firms making a market in the Company's Common Stock and Warrants on the NASDAQ/NMS system will also be inclined to issue research reports concerning the Company, thereby increasing the number of firms providing institutional research and advisory reports.

Any interested person may, on or before April 7, 1992 submit by letter to the Secretary of the Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549, facts bearing upon whether the application has been made in accordance with the rules of the exchanges and what terms, if any, should be imposed by the Commission for the protection of investors. The Commission, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Commission determines to order a hearing on the matter.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 92-6655 Filed 3-20-92; 8:45 am]

BILLING CODE 8010-01-M

OFFICE OF SCIENCE AND TECHNOLOGY POLICY

Meeting of the President's Council of Advisors on Science and Technology

The President's Council of Advisors on Science and Technology will meet on April 2-3, 1992. The meeting will begin at 9 a.m. on Thursday, April 2, 1992 in the Conference Room, Council on Environmental Quality, 722 Jackson Place, NW., Washington, DC. The meeting will conclude at approximately 12:00 Noon on Friday April 3, 1992.

The purpose of the Council is to advise the President on matters involving science and technology.

Proposed Agenda

1. Briefing of the Council on the current activities of the Office of Science and Technology Policy.

2. Briefing of the Council on current federal activities and policies in science and technology.

3. Discussion of progress of working group panels.

Portions of the April 2-3 meeting will be closed to the public.

A portion of the briefings on current federal activities and policies in science and technology will require discussion of budget preparation procedures of the Executive Office of the President and other federal agencies which, if prematurely disclosed, would significantly frustrate the implementation of decisions made requiring agency action. Also, a portion of the discussion of panal progress will necessitate discussion of information which is formally classified in the interest of national security. Accordingly, these portions of the meeting will be closed to the public pursuant to 5 U.S.C. 552b(c)(1), (2), and (9)(B).

Because of the security requirements, persons wishing to attend the open portion of the meeting should contact Ms. Ann Barnett (202) 395–4692, prior to 3 p.m. on April 1, 1992. Ms. Barnett is available to provide specific information regarding time, place, and agenda.

Dated: March 12, 1992.

Ms. Damar W. Hawkins,

Executive Assistant, Office of Science and Technology Policy.

[FR Doc. 92–6683 Filed 3–20–92; 8:45 am]

BILLING CODE 3170–01–M

TENNESSEE VALLEY AUTHORITY

Acid Rain Program Designated Representative

AGENCY: Tennessee Valley Authority.

ACTION: Notice.

SUMMARY: TVA is announcing the selection of a "designated representative" and "alternate designated representative" to serve as the agency's point of contact with the U.S. Environmental Protection Agency and States on acid rain program matters.

FOR FURTHER INFORMATION CONTACT: Jerry L. Golden, Manager, Clean Air Program, 2 C Missionary Ridge Place, 1101 Market Street, Chattanooga, Tennessee 37402–2801; (615) 751–6779.

SUPPLEMENTARY INFORMATION: Under Title IV of the Clear Air Act Amendments, sec. 402, Public Law 101–549, 104 Stat. 2588, affected utility units are authorized to act through a "designated representative" (DR) and "alternate designated representative" (ADR) in the conduct of SO_2 allowance and acid rain permitting activities. On February 19, 1992, at a public meeting, the TVA Boards Directors selected TVA's Senior Vice President, Fossil and Hydro Power, J.W. Dickey, to be TVA's DR for its affected utility units, and TVA's Vice President, Fossil and Hydro Projects, W.M. Bivens, to be TVA's ADR who will act when the DR is unavailable. TVA's affected utility units are those at its Allen, Bull Run, Cumberland, Gallatin, John Sevier, Johnsonville, Kingston, and Watts Bar fossil plants in Tennessee; Colbert and Widows Creek fossil plants in Alabama; and Paradise and Shawnee fossil plants in Kentucky.

Dated: March 6, 1992.

Edward S. Christenbury,

General Counsel and Secretary.

[FR Doc. 92–6150 Filed 3–20–92; 8:45 am]

BILLING CODE 8120–02–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Notice 92–3]

Commercial Space Transportation Advisory Committee; Open Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C. app. 1), notice is hereby given of a meeting of the Commercial Space Transportation Advisory Committee (COMSTAC). The meeting will take place on Wednesday, April 8, 1992, from 8:30 a.m., to 4:30 p.m. in room 2230 of the Department of Transportation's headquarters building at 400 Seventh Street, SW. in Washington, DC. This will be the fifteenth meeting of the Committee. The meeting will address such issues as orbital debris, international competitiveness, and technology and innovation. The COMSTAC will receive an update on congressional activities followed by reports from the COMSTAC working groups. A tentative agenda is attached. This meeting is open to the interested public, but may be limited to the space available. Additional information may be obtained by contacting Ms. Linda Strine at (202) 366–5770.

Dated: March 17, 1992.

Stephanie E. Myers,

Director, Office of Commercial Space Transportation.

(Tentative) COMSTAC Agenda, Room 2230—Nassif

8:30–8:45—Welcome/Opening Remarks Paul Fuller, Chr., COMSTAC Secretary Andrew H. Card.
8:45–9:15—OCST Activities Report—Stephanie E. Myers, director, OCST
9:15–9:30—Procurement Working Group Report.
9:30–9:45—Infrastructure Working Group Report.
9:45–10—Break.
10–10:30—International Competition Working Group, Special Task Force on Soviet Entry into World Space Markets, Interim Report—Frederick H. Hauck, Chr.
10:30–11—Update on Soviet Activities—John Boright, Deputy Assistant Secretary, Science and Technology Affairs, State Dept.
11–11:15—Admiral James B. Busey (Invited) Deputy Secretary, DOT.
11:15–11:45—Appropriations Update—The Honorable Bob Carr (D-MI).
12 noon–1:15—Lunch—Mess (SECRETARY CARD).
1:15–1:45—Licensing Activities Update—Norman Bowles, Associate Director for Licensing Programs, OCST.
1:45–2:45—Panel on Orbital Debris—Norman Bowles, DOT, Chr.; Dr. Joseph Loftus, NASA; John Schumacher, NASA; Ken Stansbury, DOD.
2:45–3:30—Innovation and Technology Working Group Report—Alan Kehlet, Chr.
3:30–4:30—New Business/Concluding Remarks/Adjourn.

[FR Doc. 92–6645 Filed 3–20–92; 8:45 am]

BILLING CODE 4910–62–M

Aviation Proceedings; Agreements Filed During the Week Ended March 13, 1992

The following Agreements were filed with the Department of Transportation under the provisions of 49 U.S.C. 412 and 414. Answers may be filed within 21 days of date of filing.

Docket Number: 48028.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 548 (Japan-China fares) r–1–014a, r–2–085hh, r–3–092v.
Proposed Effective Date: March 16, 1992.

Docket Number: 48029.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 549 (TC23/TC123 revalidation except to/from US Terr.).
Proposed Effective Date: October 1, 1992.

Docket Number: 48030.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 545 (Fares between Japan & Korea) r–1 to r–9.
Proposed Effective Date: April 1, 1992.

Docket Number: 48031.
Date filed: March 9, 1992.

Parties: Members of the International Air Transport Association.
Subject: Mail Vote 550 (TC23/TC123 revalidation to/from US Terr.).
Proposed Effective Date: October 1, 1992.

Docket Number: 48032.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0493 dated February 25, 1992. Composite Resolutions, R-1 To R-30.
Proposed Effective Date: April 1, 1992.

Docket Number: 48033.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0496 dated March 3, 1992. Japan-USA/US Territories. Comp Meet/C 0162 dated 3, 1992 R-1 to R-6.
Proposed Effective Date: April 1, 1992.

Docket Number: 48034.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0496 dated March 3, 1992. Resolutions 001F, 116F (From Japan) r-1—001F, r-2—116F.
Proposed Effective Date: April 1, 1992.

Docket Number: 48035.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0497 dated March 3, 1992. TC3 and TC23 From Japan (except US Territories) r-1 to r-11.
Proposed Effective Date: April 1, 1992.

Docket Number: 48036.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Comp Reso/C 0492 dated February 24, 1992. TC3 Resolution 553/590, R-1 to R-2.
Proposed Effective Date: March 31, 1992.

Docket Number: 48037.
Date filed: March 9, 1992.
Parties: Members of the International Air Transport Association.
Subject: Telex dated January 10, 1992. Mail Vote 528 (1st and Economy fares within Europe).
Proposed Effective Date: March 15, 1992.

Docket Number: 48040
Date filed: March 10, 1992.
Parties: Members of the International Air Transport Association.
Subject: Mail Vote 551 (Economy Class Fares between Japan and Central/South America).
Proposed Effective Date: April 1, 1992.

Docket Number: 48041
Date filed: March 10, 1992.
Parties: Members of the International Air Transport Association.
Subject: Resolution 033f-Lebanon.
Proposed Effective Date: March 23, 1992.

Phyllis T. Kaylor,
Chief, Documentary Services Division.

[FR Doc. 92-6643 Filed 3-20-92; 8:45 am]
BILLING CODE 4910-62-M

Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart Q During the Week Ended March 13, 1992

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under subpart Q of the Department of Transportation's Procedural Regulations (See 14 CFR 302.1701 et seq.). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: 48038.
Date filed: March 9, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scopes: April 6, 1992.
Description: Application of Cargo D'OR Limited, pursuant to section 402 of the Act and subpart Q of the Regulations applies for a foreign air carrier permit which would authorize Cargo D'Or to provide nonscheduled foreign air transportation of property and mail between the United States and Ghana. Cargo D'Or also requests authority to operate cargo charters pursuant to part 212 of the Department's Economic Regulations.

Docket Number: 48047.
Date filed: March 13, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 10, 1992.
Description: Application of Twin Cities Air Service Inc., pursuant to section 401(d)(3) of the Act and subpart Q of the Regulations requests authority to engage in interstate and overseas charter air transportation of persons, property, and mail: Between any point in the State in the United States or the District of Columbia, or any territory or possessions of the United Sates and any other point in the State of the United States or the District of Columbia, or any territory or possession of the United States.

Docket Number: 48048
Date filed: March 13, 1992.
Due Date or Answers, Conforming Applications, or Motion to Modify Scope: April 10, 1992.
Description: Application of Twin Cities Air Service Inc., pursuant to section 401(d)(3) of the Act and subpart Q of the Regulations requests authority to engage in foreign charter air transportation of persons, property, and mail: Between any point in any State in the United States or the District of Columbia, or any territory or possession of the United States, and Canada and the Bahamas and Mexico.

Docket Number: 48049.
Date filed: March 13, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 10, 1992.
Description: Application of Translift Airways Limited applies, pursuant to section 402 of the Act for a foreign air carrier permit authorizing Translift Airways to engage in charter foreign air transportation of persons and their accompanying baggage, and cargo, including but not limited to, freight forwarder, split, and combination charters, as follows: (A) Between any point or points in the Republic of Ireland and any point or points in the United States, with or without stopovers. (B) Between any point or points in the United States and any point or points in a third country or countries, with or without stopovers, provided that such traffic is carried via Ireland and makes a stopover in Ireland for at least two consecutive nights. Translift Airways also seeks authority to engage other trips in foreign air transportation subject to regulations governing charters.

Docket Number: 48001.
Date filed: March 12, 1992.
Due Date for Answers, Conforming Applications, or Motion to Modify Scope: March 19, 1992.
Description: Application of Federal Express Corporation, pursuant to Department of Transportation Notice, Served February 26, 1992, applies, pursuant to section 401 of the Act and subpart Q of the Regulations, for issuance of an amended certificate of public convenience and necessity for Route 205-F, so as to authorize Federal Express to provide foreign air transportation of property and mail between a point or points in the United States, on the one hand, and points in the Peoples Republic of China, on the other hand, via intermediate points (including change-of-gauge operations)

on Federal Express' certificate for Route 205–F.

Phyllis T. Kaylor,

Chief, Documentary Services Divisoin.

[FR Doc. 92–6644 Filed 3–20–92; 8:45 am]

BILLING CODE 4910–62–M

Research and Special Programs Administration

[Docket No. WPDA–1]

City of New York Request for Temporary Waiver of Preemption Pending Determination Upon Application for Waiver of Preemption as to Fire Department Regulations Concerning Pickup/Delivery Transportation of Flammable and Combustible Liquids and Flammable and Combustible Gases

APPLICANT: The City of New York.

LOCAL LAW AFFECTED: New York City Fire Prevention Directives 3–76, 5–63, 6–76, and 7–74.

APPLICABLE FEDERAL REGULATIONS: Hazardous Materials Transportation Act (49 App. U.S.C. 1801 *et seq.*) and the Hazardous Material Regulations (49 CFR parts 171–180) issued thereunder.

MODE AFFECTED: Highway.

SUMMARY: This is an administrative ruling by the Department of Transportation (DOT) on a request by the City of New York (City) "for a temporary stay of preemption, as to those Fire Department regulations for which the City has sought a permanent waiver, until that application is decided." City's February 28, 1992 letter request (NYC Request), p. 1. The procedures set forth at 49 CFR 107.215–107.227 apply to the City's application for a waiver of preemption. DOT has not promulgated regulations or otherwise established procedures applicable to a request for a temporary waiver of preemption pending a decision on the application for waiver itself or, as described by the City, a "temporary stay of preemption."

RULING: The City's request for a temporary stay of preemption, as contained in its February 28, 1992 letter, is denied.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Attorney, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, Washington, DC 20590–0001 (Tel. No. 202–366–4400).

I. General Authority and Waiver of Preemption Under the HMTA

The Hazardous Materials Transportation Act (HMTA), 49 app. U.S.C. 1801 *et seq.*, as amended by the Hazardous Materials Transportation Uniform Safety Act of 1990, Public Law 101–615, preempts certain requirements of States, political subdivisions and Indian tribes relating to the transportation of hazardous materials. 49 App. U.S.C. 1804(a)(4), 1804(b)(4), 1811(a). The HMTA also provides that the Secretary of Transportation may waive preemption, in response to an application of a State, political subdivision or Indian tribe which acknowledges preemption, if the Secretary determines that the State, local or Indian tribe requirement (1) affords an equal or greater level of protection to the public than is afforded by the requirements of the HMTA and the regulations issued under the HMTA, and (2) does not unreasonably burden commerce. 49 app. U.S.C. 1811(d).

The preemption provisions contained in the HMTA, including those governing a waiver of preemption; the delegation of authority from the Secretary of Transportation to the Research and Special Programs Administration (RSPA) to issue preemption determinations and waivers of preemption; and RSPA's regulations applicable to preemption determinations and waivers of preemption are set forth and discussed in detail in the Public Notice and Invitation to Comment upon the City's application for a waiver of preemption, published at 56 FR 58126 (Nov. 15, 1991).

II. Background

With its October 9, 1991 letter, the City submitted an application for a waiver of preemption as to requirements set forth in 24 separate sections (or subsections) of New York City Fire Department Fire Protection Directives (FPDs) 3–76, 5–63, 6–76, and 7–74. With the exception of a "no smoking" prohibition in FPD 6–76 § 25–1, these requirements were among those which RSPA determined to be preempted in Inconsistency Ruling 22 (IR–22), 52 FR 46574, Dec. 8, 1987; correction, 52 FR 49107, Dec. 29, 1987, and the RSPA Administrator's Decision on Appeal (IR–22(A)), 54 FR 26698, June 23, 1989.

In the letter accompanying its application, the City requested a temporary stay of preemption as to the FPD requirements for which a waiver of preemption was sought. On October 18, 1991, in *National Paint & Coatings Ass'n v. City of New York*, No. CV–84–4525 (ERK), the United States District Court for the Eastern District of New York issued an Order confirming that the City had acknowledged preemption of certain provisions of FPDs 3–76, 5–63, 6–76, and 7–74 and enjoined the City from further enforcement of those provisions. However, the Court stayed for 150 days its injunction against enforcement of the provisions in the FPDs for which the City has applied to DOT for a waiver of preemption. The City's waiver application and the Court's Order were published as part of the Public Notice and Invitation to Comment at 56 FR 58126 (Nov. 15, 1991).

As also discussed in that notice, in a further letter dated October 29, 1991, the City advised RSPA of the Court's October 18, 1991 Order and stated that the Court's stay of its own injunction avoided any need for RSPA to rule on the City's request for a temporary stay at that time. However, the City requested that it be notified and given an opportunity to renew its request if a determination on its application for a waiver of preemption had not been completed by March 15, 1992, the expiration of the Court's 150-day stay.

As stated in a Public Notice and Reopening of Rebuttal Comment Period, published at 57 FR 6767 (Feb. 27, 1992), RSPA received several comments supporting and opposing the City's application for a waiver of preemption after the date originally set for the comment period to expire; in fairness to all interested parties, RSPA extended the rebuttal comment period through March 13, 1992. RSPA notified the City that it did not expect to issue a determination on the City's application by March 15, 1992. In the February 27, 1992 notice, RSPA repeated the statement in the November 15, 1991 notice that "there is no authority in the HMTA for the Secretary or RSPA to temporarily stay preemption. The authority to grant such relief lies, if anywhere, with the courts." 57 FR at 6768.

The City submitted a renewed request for a temporary stay of preemption in a February 28, 1992 letter, which was received by RSPA by March 2, 1992 (by telefax) and March 5, 1992 (letter form). The City's letter indicated that a copy had been furnished to John J. Collins, Esq. And Timothy L. Harker, Esq., individuals to whom comments and rebuttal comments on the City's waiver application must be provided in accordance with the November 15, 1991, and February 27, 1992 public notices. On March 3, 1992, RSPA notified Messrs. Collins and Harker by telefax that any opposition to, or comments upon, the City's renewed request for a temporary

stay of preemption should have been submitted in time to reach RSPA by noon, March 6, 1992. Mr. Harker's law firm submitted comments opposing the City's request in a March 6, 1992 letter on behalf of the American Trucking Associations, Inc., National Tank Truck Carriers, Inc., and National Paint and Coatings Association, Inc. The City submitted further comments in a March 6, 1992 letter. All these comments, all materials previously submitted with respect to the City's waiver application in Docket WPDA–1, and all materials contained in Docket IR–22 (IRA–40A) have been considered in ruling on the City's present request.

III. Discussion

The City has characterized its request in different language at different times. Initially, it asked "for a temporary stay of preemption." October 9, 1991 letter, p. 2; NYC Request, p. 1. At another place, it styled the relief it desired as an exercise of the power to waive preemption "on an interim basis." NYC Request, p. 2. In its March 6, 1992 reply letter, the City stated it is seeking "a preliminary waiver of preemption."

As discussed below, the FPDs involved in the City's application for waiver have already been preempted. Accordingly, the City's request for interim relief must be for a postponement of the effects of HMTA's preemption of the FPDs at issue here. This means that the City's request asks RSPA to do one of two things: (1) extend the existing injunction granted by the Court, or (2) grant a temporary (or "preliminary") waiver of preemption pending RSPA's decision on the City's waiver application itself. Because RSPA does not have authority to do either, it must deny the City's present request.

At page 2 of its waiver application, the City "acknowledges that certain sections of its regulations that it wishes to continue to enforce are preempted." 56 FR at 58128. It further agreed and the Court found that "the FPDs in the covered subject areas of 49 U.S.C. app. 1804(a)(4)(B) are preempted and enjoined from further enforcement." October 18, 1992 Order, p. 2, 56 FR at 58142. While the Court stayed its injunction for a period of 150 days, or until March 15, 1992, during this period the City will not prosecute violations of these regulations. *Id.*, 56 FR at 58143.

The City requests RSPA for "an extension of this relief" granted under the Court's October 18, 1992 Order, that is a continuation of the *"status quo."* NYC Request, pp. 2,4. As a basis for its request, it refers to language in the Court's Order that "The City may petition the Secretary of Transportation for further relief." October 18, 1992 Order, p. 2, 56 FR at 58143. It also cites the decision in *National Nutritional Foods Ass'n* v. *Food & Drug Admin.*, 504 F.2d 761 (2d Cir. 1974), *cert. denied*, 420 U.S. 946 (1975), as authority for a Federal agency "to extend the Court's stay, if necessary, to give itself adequate time to rule on applications." NYC Request, p. 2. However, neither authority cited by the City gives RSPA the power to extend the Court's injunction against enforcement of the City's FPDs.

The Court's language that the City may seek "further relief" from DOT does not give RSPA any authority that it did not already possess. A Federal agency's power derives from Congress, *Lyng* v. *Payne*, 476 U.S. 926, 937 (1986), and no statute authorizes RSPA to extend or otherwise make any change in a court injunction. Indeed, basic considerations of the separation of powers between executive and judicial branches of our government would appear to foreclose any such attempt.

The National Nutritional Foods case does not hold to the contrary. In that decision, an appeals court stayed the effectiveness of FDA regulations to permit additional review by the FDA, and then noted that the FDA could "extend the stay," further delaying the effective date of its own regulations. 504 F.2d at 785 n.27. But such an extension would be merely the exercise of a power inherently possessed by a Federal agency as a part of the process of promulgating regulations; just as an agency has the power to specify the effective date of a regulation, it has the authority to postpone that date to allow continued review, whether such review is ordered by a court or considered appropriate by the agency itself. Here, the City seeks a further postponement of the effects of the Court's October 18, 1992 Order, not a stay of RSPA's own actions. RSPA has no power to continue the Court's injunction.

RSPA does have the discretionary authority under the HMTA to waive preemption of local governmental requirements if it finds that the local regulations (1) afford an equal or greater level of protection to the public than afforded by the HMTA and the regulations thereunder, and (2) do not unreasonably burden commerce. 49 app. U.S.C. 1811(d). That is the process in which RSPA is presently engaged upon the City's waiver application of October 9, 1991, a process expected to take until approximately May 15, 1992, as previously announced. 57 FR 6767, 6768 (Feb. 27, 1992).

However, no language in the HMTA or the regulations thereunder (or anywhere else) speaks of a temporary waiver of preemption, which would allow local regulations to continue in effect until that decision is made. The statutory requirement that the applicant for a waiver must explicitly "acknowledge[]" preemption strongly implies the opposite, *i.e.*, that a local regulation loses any effectiveness, and that enforcement ceases, during the pendency of a waiver application. Thus, there is no force to the City's argument that "nothing in the statute prohibits the Secretary (or his designee) from exercising that power (to grant a waiver of preemption) on an interim basis, where equity makes that appropriate." NYC Request, p.2.

In the absence of a transcript and in the face of an explicit denial, see Harker Firm March 6, 1992, letter, p.3, there is a reluctance to rely upon the City's assertion that "Judge [Korman] did say specifically that he believed the power to grant ultimate relief—a waiver of preemption—necessarily included the power to grant preliminary relief of the same nature." NYC reply letter, p.2. The alleged off-the-record comments are hardly persuasive that the Court found the agency has authority to temporarily waive preemption, and that it intended such a finding to be binding on DOT. RSPA has a duty to determine its authority under the HMTA, just as the general rule provides that an "agency should make the initial determination of its own jurisdiction." *California ex rel. Christensen* v. *FTC*, 549 F.2d 1321, 1324 (9th Cir.), *cert. denied*, *Christensen* v. *FTC* and *California Milk Producers Adv. Bd.* v. *FTC*, 434 U.S. 876 (1977).

The concept of "equitable principles" that might apply to RSPA's exercise of "discretionary powers," NYC Request, p.3, necessarily implies the existence of those powers in the first place. Considerations of equity cannot justify the exercise of a power which is lacking. Moreover, it is doubtful that the City has set forth facts that would support an exercise of discretion in its favor.

In this context, the City suggests that the applicable standards are a "strong likelihood of success for its waiver application" and "irreparable injury" if a temporary waiver is not granted. *Id.*, p. 4; but see NYC March 6, 1992 reply letter, p.1 ("likelihood of success on the merits, and equitable reasons favoring the applicant"). However, neither finding can be made at this time.

The City has applied for a waiver of preemption as to 24 separate sections or subsections of four FPDs, grouping them in seven categories as applied variously to the transportation of: flammable mixtures and liquids by tank truck (FPD

7–74), combustible mixtures and liquids by tank truck (FPD 6–76), compressed gases by any vehicle (FPD 5–63), and inflammable and other liquids by platform truck (FPD 3–76). As to some of the sections or subsections, there are significant factual materials and comments both supporting and opposing the City's regulations; as to others, there are few materials or argument. Virtually every proposition advanced by the City is contested by opponents.

In order to make the findings required under HMTA, RSPA must evaluate carefully the equipment, operating practices and permitting requirements under the City's FPDs as compared to those under the Hazardous Materials Regulations. The agency must then assess the burden on commerce in terms of the effects of the City's requirements and whether local benefits outweigh those effects. *Brown-Forman Distillers Corp.* v. *New York State Liquor Auth.* 476 U.S. 573, 579 (1986); *Pike* v. *Bruce Church, Inc.*, 397 U.S. 137, 142 (1970). The comments and other materials offered by the City are not so overwhelming to find, at present, a strong likelihood that a waiver of preemption will be granted for all or any significant portion of the sections and subsections covered by the City's application.

The only "irreparable injury" to which the City alludes is a possible "catastrophic accident involving a large aluminum gasoline tanker * * * in the interim period." NYC Request, pp. 4–5. But such an incident is not certain to occur in the absence of a temporary waiver of preemption. Moreover, the likelihood and consequences of such an incident must be balanced against a possible reduction in the number of accidents; larger trucks would need to make fewer trips to deliver the same amount of product, as acknowledged by the City. Application, p. 25, 56 FR at 58133. In addition, the City has stated that elimination of the City's regulations would not be followed by an immediate and total use of larger tank trucks for deliveries of gasoline and fuel oil in New York City. *See* NYC January 16, 1992 Reply Comments, pp. 31–32 and the statements and other materials cited there. The materials and arguments presented by the City do not enable RSPA to conclude that the number and severity of accidents involving hazardous materials will increase to such an extent that, in the absence of a temporary waiver, irreparable injury will occur during the pendency of the City's waiver application.

It should be emphasized that the "equitable principles" advanced by the City as applicable to its request for interim relief are different from those which, under the HMTA, must be followed in making a ruling on the City's waiver application itself. The above statements are not, and should not be interpreted as, an indication of the ruling on that application which remains to be made.

IV. Ruling

For the foregoing reasons, there is no authority for RSPA to extend the stay of the injunction in the October 18, 1992 Order of the United States District Court for the Eastern District of New York in *National Paint & Coatings Ass'n* v. *City of New York, NO. CV–84–4525 (ERK) nor is there authority in the HMTA or otherwise to grant a temporary waiver of preemption under the HMTA. The City's request for a "temporary stay of preemption" is, therefore, denied.*

Issued in Washington, DC on March 12, 1992.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 92–6500 Filed 3–20–92; 8:45 am]

BILLING CODE 4910–60–M

Sunshine Act Meetings

Federal Register
Vol. 57, No. 56
Monday, March 23, 1992

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Wednesday, March 25, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Open to the public.

MATTERS TO BE CONSIDERED: Petition HP 90–2, Clacker Balls.

The staff will brief the Commission on petition HP 90–2 from Fascinations Toys and Gifts, Inc. requesting an amendment to the definition of "clacker balls" in the Commission's regulation at 16 C.F.R. 1500.18(a)(7).

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504–0800.

Dated: March 18, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92–6777 Filed 3–19–92; 1:10 pm]

BILLING CODE 6355–01–M

CONSUMER PRODUCT SAFETY COMMISSION

TIME AND DATE: 10:00 a.m., Thursday, March 26, 1992.

LOCATION: Room 556, Westwood Towers, 5401 Westbard Avenue, Bethesda, Maryland.

STATUS: Closed to the Public.

MATTERS TO BE CONSIDERED:

Compliance Status Report.

The staff will brief the Commission on the status of various compliance matters.

For a Recorded Message Containing the Latest Agenda Information, Call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sheldon D. Butts, Office of the Secretary, 5401 Westbard Ave., Bethesda, Md. 20207 (301) 504–0800.

Dated: March 18, 1992.

Sheldon D. Butts,

Deputy Secretary.

[FR Doc. 92–6778 Filed 3–19–92; 1:10 pm]

BILLING CODE 6355–01–M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Special Meeting

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming special meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The special meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on March 25, 1992, from 1:00 p.m. until such time as the Board may conclude its business.

FOR FURTHER INFORMATION CONTACT: Curtis M. Anderson, Secretary to the Farm Credit Administration Board, (703) 883–4003, TDD (703) 883–4444.

ADDRESS: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: Parts of this meeting of the Board will be open to the public (limited space available), and parts of this meeting will be closed to the public. The matters to be considered at the meeting are:

OPEN SESSION:

A. Approval of Minutes

B. New Business

1. Six Spokane District Charter Cancellations: Glendive PCA, Milk River PCA, Western Montana PCA, Southern Idaho PCA, Western Washington PCA, Williamette PCA;
2. Board Policy Statement on Communications During Rulemaking.

CLOSED SESSION: *

A. New Business

1. Financial Assistance
   a. Production Credit Association of Midlands Financial Assistance;
2. Enforcement Actions.

* Session closed to the public—exempt pursuant to 5 U.S.C. 552b(c)(8) and (9).

Dated: March 19, 1992.

Curtis M. Anderson,

Secretary, Farm Credit Administration Board.

[FR Doc. 92–6776 Filed 3–19–92; 1:09 pm]

BILLING CODE 6705–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services Committee Meeting

TIME AND DATE: A meeting of the Board of Directors Provision for the Delivery of Legal Services Committee will be held on April 5, 1992. The meeting will commence at 12:30 p.m.

PLACE: The Hilton Palacio Del Rio Hotel, 200 South Alamo, The La Condesa Room, San Antonio, Texas 78205, (512) 222–1400.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Approval of March 8, 1992 Meeting Minutes.
3. Consideration of Procedure for Proposals for Corporation Grants.
4. Consideration of Vehicles Through Which the Corporation Could Assist LSC-Funded Grantees To Recruit and Retain Staff Attorneys.
5. Consideration of the Corporation Policy Governing Interstate Subgrants.

CONTACT PERSON FOR INFORMATION: Patricia Batie, Executive Office, (202) 863–1839.

Date Issued: March 19, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92–6793 Filed 3–19–92; 2:02 pm]

BILLING CODE 7050–01–M

LEGAL SERVICES CORPORATION BOARD OF DIRECTORS

Provision for the Delivery of Legal Services Committee Meeting Notice

TIME AND DATE: A hearing and meeting of the Board of Directors Provision for the Delivery of Legal Services Committee will be held on April 7, 1992. The hearing and meeting will commence at 10:00 a.m.

PLACE: The Stouffer Austin Hotel, 9761 Arboretum Blvd., The Fabine Room, Austin, Texas 78759, (512) 343–2626.

STATUS OF MEETING: Open.

MATTERS TO BE CONSIDERED:

1. Approval of Agenda.
2. Public Comment On Alternative Dispute Resolution Mechanisms.
3. Consideration of Public Comment On Alternative Dispute Resolution Mechanisms.

CONTACT PERSON FOR INFORMATION: Members of the public wishing to comment on the above-described matter are requested to contact Christopher

Sundseth at (202) 863–1839 not later than March 30, 1992.

Date Issued: March 19, 1992.

Patricia D. Batie,

Corporate Secretary.

[FR Doc. 92–6794 Filed 3–19–92; 2:02 pm]

BILLING CODE 7050–01–M

Corrections

Federal Register
Vol. 57, No. 56
Monday, March 23, 1992

This section of the FEDERAL REGISTER contains editorial corrections of previously published Presidential, Rule, Proposed Rule, and Notice documents. These corrections are prepared by the Office of the Federal Register. Agency prepared corrections are issued as signed documents and appear in the appropriate document categories elsewhere in the issue.

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 685

[Docket No. 911175-2029]

RIN 0648-AE24

Pelagic Fisheries of the Western Pacific Region

Correction

In rule document 92-5040 beginning on page 7661 in the issue of Wednesday, March 4, 1992, make the following corrections:

1. On page 7662, in the first column, in the second full paragraph, in the fourth line from the bottom, "handling" should read "handline".

2. On the same page, in the second column, in the second full paragraph, in the ninth line "Councils" should read "Council's"; and in the fifth line from the bottom, "permised" should read "premised".

BILLING CODE 1505-01-D

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

Proposed Extension of Withdrawal; Opportunity for Public Meeting; Colorado

[CO-932-4214-10; COC-0124534]

Correction

In notice document 92-5753 beginning on page 8778, in the issue of Thursday, March 12, 1992, make the following correction:

On page 8778, in the second column, under **DATES**, "June 19, 1992." should read "June 10, 1992.".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

49 CFR Part 1

[Ost Docket No. 1; Amdt. 1-248]

Delegations of Authority to the Commandant, U.S. Coast Guard; the Maritime Administrator; and the Research and Special Programs Administrator

Correction

In rule document 92-5378 beginning on page 8581 in the issue of Wednesday, March 11, 1992, make the following correction:

On page 8581, in the second column, under **SUMMARY**, in the eighth line, "Oil Pollution Act of 1999" should read "Oil Pollution Act of 1990".

BILLING CODE 1505-01-D

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

23 CFR Part 635

[FHWA Docket No. 90-4]

RIN 2125-AA18

Contract Procedures

Correction

In rule document 91-18360, beginning on page 37000, in the issue of Friday, August 2, 1991, make the following correction:

§ 635.109 [Corrected]

On page 37006, in the second column, in § 635.109(a)(2)(i), in the first line, "(I)" should read "(i)".

BILLING CODE 1505-01-D

federal register

Monday
March 23, 1992

Part II

Department of Labor

Employment and Training Administration

20 CFR Part 603

Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of State Records; Proposed Rule

DEPARTMENT OF LABOR

Employment and Training Administration

20 CFR Part 603

RIN: 1205-AA74

Federal-State Unemployment Compensation Program; Confidentiality and Disclosure of State Records

AGENCY: Employment and Training Administration, Labor.

ACTION: Proposed rule.

SUMMARY: The Employment and Training Administration of the Department of Labor proposes to revise the regulations implementing the Income and Eligibility Verification System (IEVS). Under the IEVS the agency charged with the administration of the State unemployment compensation law must request and exchange certain information with other State and local agencies administering several Federally-assisted programs and furnish information to the Secretary of Health and Human Services regarding programs under titles II and XVI of the Social Security Act (SSA) for the purposes of verifying eligibility for, and the amount of, benefits under these programs. The proposed rule modifies and expands the IEVS regulations to include all of the requirements of statutory provisions relating to the confidentiality and disclosure of State records compiled or maintained for the purposes of the Federal-State unemployment compensation program. In summary, the proposed rule sets forth—

—The Secretary's interpretation of section 303(a)(1), SSA, with respect to the general rules on the confidentiality and disclosure of information,

—The disclosure requirements under: Subsections (a)(7), (c)(1), (d), (e), (f), (h), and (i) of section 303, SSA; section 3304(a)(16), Federal Unemployment Tax Act; and section 3(b), Wagner-Peyser Act,

—The disclosure permitted under section 303(g), SSA,

—Provision for payment of costs, safeguarding information, and execution of agreements with respect to the disclosure of information, and

—Conformity and compliance with the Federal law requirements.

DATES: Written comments on this proposal must be received in the Department of Labor by the close of business on May 22, 1992.

ADDRESSES: Comments on this proposed rule may be mailed or delivered to Mary Ann Wyrsch, Director of the Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-4231, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Virginia Chupp, Unemployment Insurance Program Specialist, Unemployment Insurance Service, 202-535-0200 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Employment and Training Administration of the Department of Labor proposes to revise the Income and Eligibility Verification System (IEVS) regulations at 20 CFR part 603. The present rule implements section 303(f) of the Social Security Act (SSA), requiring that each State unemployment compensation agency (State agency) provide that information be requested and exchanged with State and local agencies administering several Federally-assisted programs and furnish information to the Secretary of Health and Human Services regarding programs under titles II and XVI, SSA, for the purposes of verifying eligibility for, and the amount of, benefits under these programs.

Besides the disclosures required under section 303(f), SSA, and present part 603, there are six other provisions in the SSA (subsections (a)(7), (c)(1), (d), (e), (h), and (i) of section 303), and one each in Federal Unemployment Tax Act (FUTA) (section 3304(a)(16)), and the Wagner-Peyser Act (section 3(b)) which require State agencies to disclose certain information to outside parties. The provisions vary with respect to the specific information to be disclosed and the terms and conditions under which disclosure is made. In addition, section 303(g), SSA, does not expressly require disclosure of information, but disclosure is implicit in the method of recovery of overpayments provided by this section.

The present provisions of part 603, relating to the IEVS system required by section 303(f) of the SSA, are placed in subpart C of the proposed rule in this document, with the general provisions applicable to all of new part 603 being revised and placed in subpart A. All other required disclosure provisions referred to above are placed in subparts D through L.

Also, in subpart B of the proposed rule are set forth the basic confidentiality and disclosure requirements for the Federal-State unemployment compensation program, which have their origin in the beginning of the program and are derived from section 303(a)(1) of the SSA. It is necessary to set forth these basic requirements in part 603 because they are not contained in any other published rule, and all of the required disclosure provisions (subparts C through L) are statutory exceptions to the basic rule of confidentiality.

Because an exception is permitted to the basic rule of confidentiality (relating in general to disclosure of information to public officials if authorized under the State law), and because all of the mandatory disclosure provisions stand as exceptions to the basic rule of confidentiality, there are set forth in subpart B uniform rules on (1) payment of costs of making disclosures which are not in the course of administration of the State unemployment compensation laws, (2) safeguards required for any such disclosed information, and (3) agreements between the State agency and agencies or entities requesting information which set forth the terms and conditions for making disclosures of information and the remedies that apply in the case of breach of an agreement.

On payment of costs the proposed rule is an expanded version of what is contained in present part 603, and reflects the position long held under section 303(a)(1) of the SSA. On safeguards and agreements the provisions of the proposed rule are somewhat revised versions of the provisions contained in present part 603. Finally, in subpart B is set out a specific provision on effectuating conformity and compliance with the requirements of section 303(a)(1), which simply sets forth the procedural steps required by section 303(b) of the SSA and existing regulations at 20 CFR 601.5.

Where payment of costs is required by other subparts of new part 603, reference is made to the cost principles as set forth in subpart B. Similarly, where it is appropriate in such other subparts, reference is made to the provisions of subpart B on safeguards, agreements, and effectuating compliance. Uniformity is thereby achieved in all subparts on these subjects, although there are some differences of content in the various subsections of section 303. For example, not all subsections explicitly require payment of costs or adoption of safeguards, and none specifically requires agreements. Uniformity in these common provisions is essential, however, for ease of administration of the various subparts; differing provisions would complicate administration and are unwarranted. Under section 303(a)(1) there is no basis for differing treatment of costs or agreements, and safeguards must also be uniform to provide the same protections to all disclosed information.

Therefore, ample support for such uniform treatment is found in section 303(a)(1), which is controlling on the details of the terms and conditions surrounding disclosures which are exceptions to the basic rule of confidentiality. Accordingly, uniformity is achieved on costs, safeguards, and agreements by addressing the basic requirements in subpart B, and by referring to those basic provisions in the other subparts.

The provisions on effectuating conformity and compliance also are made uniform throughout new part 603. As to conformity, the only statutes involved are sections 303(a)(1) and 303(a)(7) of the SSA and section 3304(a)(16) of the FUTA. The provisions on effectuating conformity in subparts B, D, and K simply track the relevant statutes and 20 CFR 601.5.

On compliance, however, there are some differences among the statutory provisions. Most of the statutory provisions require substantial compliance with the Federal requirements, but section 303(c)(1) does not employ the term, and there is no enforcement language for section 303(d)(2), section 303(f), or section 303(g), or for section 3(b) of the Wagner-Peyser Act insofar as it is made applicable to State unemployment compensation agencies. Section 303(c)(1) is interpreted as requiring substantial compliance, although the statutory language would support a stricter criterion, to achieve uniformity among all of the compliance requirements of section 303. The Department does not believe that the absence of explicit enforcement language in the other cited provisions of section 303 of the SSA indicates any Congressional intent that the provision was not to be enforced. Congress was aware that the Secretary has broad authority to implement and enforce the provisions of the SSA and the FUTA; presumably Congressional silence on a specific enforcement provision for a disclosure requirement was based on that awareness.

Because each of those cited provisions are requirements for State administration of the unemployment compensation program, based upon its past practice, the Department has concluded that the enforcement provisions of section 303(b) and 20 CFR 601.5 shall be applicable to each of them. The Department consistently has taken the position in the past that a statutory requirement for State laws or State agencies in the Federal-State unemployment compensation program is enforceable under title III of the SSA (or the FUTA), regardless of the absence of express enforcement language (as in the case of sections 303(d)(2), 303(f), and 303(g)), or the placement of the statutory requirement somewhere other than in title III (or the FUTA) (as in the case of section 3(b) of the Wagner-Peyser Act). Making these requirements enforceable under title III of the SSA gives effect to the provisions in accordance with the intent evident in their enactment, brings them under the notice and opportunity for hearing provisions of section 303(b) of the SSA and 20 CFR 601.5, and also affords the States access to the judicial review provisions in section 304 of the SSA.

For the same reasons, the Department believes that the exclusion in section 304(a)(2) of subsections (f) and (g), which are not listed among the subsections with respect to which judicial review may be sought under section 304, is not an indication of Congressional intent that these provisions not be enforced. In new part 603 the Department makes section 304 applicable to all findings under title III and part 603, and, as noted below, also makes section 304 applicable to findings as to a State agency with respect to the requirements of section 3(b) of the Wagner-Peyser Act.

Section 3(b) of the Wagner-Peyser Act poses the same kind of problem. It imposes upon State unemployment compensation agencies, as well as State employment service agencies, the requirement of disclosing three specified items of information to a "public agency" administering a State plan under title IV.A of the SSA (AFDC) or any program or activity under title IV.D of the SSA (child support, etc.), or to a State agency administering the food stamp program. Insofar as section 3(b) applies to State employment service agencies, that matter is left to that Act and the employment service regulations and is not covered in new part 603. Insofar as section 3(b) applies to State unemployment compensation agencies, however, it is a matter that can be administered effectively and reasonably only by treating it as a requirement of title III of the SSA.

Accordingly, for the reasons stated above, in regard to sections 303 (f) and (g) of the SSA, enforcement of the requirements of section 3(b) of the Wagner-Peyser Act (insofar as such section imposes requirements upon State unemployment compensation agencies) is brought under section 303(b) of the SSA and 20 CFR 601.5, and the judicial review provisions of section 304 of the SSA. The Department will continue to enforce section 3(b) in the manner set forth in new part 603, as explained herein, until corrective legislation is enacted into law prescribing a different method of enforcing the unemployment compensation requirements of section 3(b).

An explanation of each subpart of new part 603 follows.

Explanation by Subpart

Subpart A—In General

Section 603.1, *Purpose*, describes in general terms the purposes of new part 603. This differs materially from the present § 603.1, because the present part 603 addresses only the 1984 provisions of section 303(f) of the SSA, whereas new part 603 addresses all of the Federal disclosure requirements (including the 1988 amendments to section 1137 of the SSA which affected section 303(f)) as well as the basic rule of confidentiality.

Section 603.2, *Scope*, describes the scope of new part 603, with a brief note about each subpart. There is no "scope" section in the present part 603.

Section 603.3, *Definitions*, defines the terms which are applicable to all of the subparts of new part 603.

Paragraph (a) of § 603.3 defines "compensation" and "unemployment compensation" as such terms are defined for the purposes of the Federal-State unemployment compensation program in section 3306(h) of the FUTA. These terms are not defined in the present part 603.

Paragraph (b) of § 603.3 defines "Department" as meaning the United States Department of Labor and, within the Department, the Employment and Training Administration and the Bureau of Labor Statistics (BLS). This definition establishes the authority for administering new part 603, in accordance with the delegation of authority from the Secretary of Labor to the Assistant Secretary of Labor for Employment and Training (Secretary's Orders 4–75 and 14–75). BLS is included in the definition because BLS has been delegated authority for collecting information under section 303(a)(6) of the SSA, as well as under 29 U.S.C. 2 and Secretary's Order No. 39–72. This definition is not included in the present part 603.

Paragraph (c) of § 603.3 defines "records" so as to make clear that, for the purposes of the mandatory disclosure provisions, the term includes only the records of the State unemployment compensation agency; and that, for the purposes of section 303(a)(1), it also includes all other records of the executive branch of the

State Government. This definition is not included in the present part 603; it was not needed because section 303(f), like other mandatory disclosure provisions, is applicable solely to records of the State agency.

Paragraph (d) of § 603.3 defines "request" as a written request for disclosure of records, and is applicable to any request for disclosure of information that the State agency is not required to make in the course of administration of the State law. This definition is not included in the present part 603, and is included in new part 603 as being essential to provide an auditable record of requests received under the various mandatory disclosure provisions.

Paragraph (e) of § 603.3 defines "Secretary" as meaning the Secretary of Labor. This definition is not included in the present part 603, and is included in new part 603 to emphasize the distinction between the Department and the Secretary as to the authority in regard to administration and enforcement of new part 603. The distinction is that the Department is responsible for the day-to-day administration of the Federal requirements, including part 603, whereas the Secretary has reserved the authority to make judicially reviewable findings on conformity and compliance. This important distinction is not specifically addressed in the present part 603.

Paragraph (f) of § 603.3 defines "State" as meaning the "states" included in the Federal-State unemployment compensation program. This defines the scope of new part 603, making all of the "states" subject to the requirements therein. This definition is not specifically included in the present part 603, although it is inherent in the definition of "State unemployment compensation agency."

Paragraph (g) of § 603.3 defines "State agency" in essentially the same terms as it is defined in the present part 603. It patently means and includes only the State unemployment compensation agency; that is, the State agency which administers the approved State unemployment compensation law. It does not mean or include the State employment service agency, or any other State agency or any local governmental agency.

Paragraph (h) of § 603.3 defines "State law" as meaning an approved State unemployment compensation law. This definition is not specifically included in the present part 603, but is alluded to in the definition of "State unemployment compensation agency."

Paragraph (i) of § 603.3 defines "wage information" as including, in substance, the same information as is included in the definition of such term in the present part 603. Other provisions of the present definition are either included in subpart C or omitted as being outdated.

These comprise all of the definitions deemed essential and relevant to all of the subparts of new part 603. Other definitions, such as the definition of "claim information" and some other definitions specifically applicable to a particular subpart, are included in such subpart.

Subpart B—Confidentiality Requirement of Section 303(a)(1) of the Social Security Act

Subpart B is entirely new. In it is set forth the interpretation of the confidentiality requirement to which the Department and its predecessors have adhered since the beginning of the Federal-State unemployment compensation program. Subpart B treats the subject comprehensively, adding provisions on mandatory disclosure, permissible exceptions to the rule of confidentiality, and the specific situations in which the rule of confidentiality is not applicable.

Section 603.10, *Purpose and application*, expressly states that the purpose of subpart B is to set forth the requirements of section 303(a)(1) of the SSA, as such requirements concern the confidentiality of information in the records of the State and State agency relating to the administration of the approved State unemployment compensation law. It is also expressly stated that subpart B applies not only to the State unemployment compensation agency, but also to the entire executive branch of the State Government. It is important to emphasize this application rule, because in the other subparts of new part 603, dealing with mandatory disclosures to other State and Federal agencies, only the records of the State agency are required to be disclosed.

Section 603.11, *Interpretation and application*, contains the substantive heart of subpart B. In this section are set forth the basic rules of confidentiality and mandatory disclosure, the exceptions, and the situations in which the rule of confidentiality is not applicable. This section is intended to be comprehensive, and cover every conceivable situation.

Paragraph (a)(1) of § 603.11 merely quotes the conformity requirement of the "methods of administration" required by section 303(a)(1) of the SSA.

Paragraph (a)(2)(i) of § 603.11 sets forth, in clause (A), the basic rule of confidentiality as an interpretation of the "methods of administration" requirement of section 303(a)(1). It requires to be kept confidential all information of whatever kind or form in the records of a State agency or in any other files of the executive branch of the State government. It prohibits the disclosure of any such information to any person, organization, or entity whatever, except for disclosure required or permitted by any other provision of § 603.11.

Underlying this interpretation is the fact that unemployment compensation is a public benefit, derived from employer taxes (or reimbursements), and paid from a special State fund as a matter of right to eligible unemployed individuals. The methods of administration adopted by a State must be reasonably calculated to insure the full payment of compensation when due under the State law. The Secretary of Labor has the statutory authority and responsibility to determine what methods of administration best accomplish this result. From the beginning of the Federal-State unemployment compensation program it has been determined that confidentiality of records is essential to the proper and efficient administration of the program, and no change is contemplated in the rule of confidentiality. Confidentiality avoids publicity about claimants and employers, and possible notoriety resulting from publicity. Publicity could have disrupting effects on the operations of the State agency, would be likely to discourage many individuals from claiming a statutory entitlement, and as likely act as a disincentive for employers to cooperate with the State agency in the administration of the State law. The confidentiality rule contributes to the proper and efficient administration of the program by allowing administrators to turn away requests that would otherwise consume time and resources in disclosing information, and otherwise tend to disrupt the operations of the State agency. It also conserves administration funds, which are granted to the States for the proper and efficient administration of the State law, since to permit disclosure other than in the course of administration of the State law would result in the dissipation of the funds for other purposes and thus be directly contrary to the purposes of section 302(a) of the SSA.

Confidentiality of records, therefore, has been determined to be an elementary factor necessary to the proper and efficient administration of the Federal-State unemployment compensation program, and it is this

conclusion that is reflected in the interpretation in clause (A) of § 603.11(a)(2)(i).

The interpretation in clause (A) of § 603.11(a)(2)(i) has another important application that is not readily apparent in the language of clause (A) or in the explanation and justification given above. In addition to the information required from individuals and employers and employing units for the purposes of administration of the revenue and benefit provisions of the State laws, much more information is required to be obtained from the same and other sources for the purposes of the many statistical and data reports required by the Department pursuant to section 303(a)(6) of the SSA. Section 303(a)(6) is a conformity requirement for approved State laws, so that any information obtained from any source for the purposes of such reports, and maintained in the records of the State or the State agency, is information pertaining to the administration of the State law. To ensure the cooperation of sources furnishing such information, to avoid uses of the information for purposes other than those for which it is obtained, and to preclude States from becoming information clearinghouses and using granted funds for other than program purposes, all such information shall be deemed by the Department to be subject to the rule of confidentiality in clause (A).

It should be noted that, what is said about information obtained for the purposes of statistical and data reports required pursuant to section 303(a)(6) of the SSA has no bearing upon information obtained solely for the purposes of cooperative agreements entered into with the Bureau of Labor Statistics under the authority of 29 U.S.C. 2 and Secretary's Order No. 39–72. As provided in clause (iii) of § 603.11(b)(5), neither the rule of confidentiality, nor any other provision of subpart B, applies to any such information. It necessarily follows, therefore, that funds granted for the administration of the State law may not be used to collect, compile, tabulate, or report any such information under 29 U.S.C. 2.

There are, however, limitations on the rule of confidentiality, all of which are set forth explicitly in the following provisions of § 603.11, beginning with clause (B) of paragraph (a)(2)(i) of § 603.11.

Paragraph (a)(2)(i) of § 603.11 also sets forth, in clause (B), the essential counterpoint to clause (A), as an interpretation of section 303(a)(1). Clause (B) requires the disclosure to claimants and employers of all information that will reasonably afford them the opportunity to know, establish, and protect their rights and meet their responsibilities under the State law, and such disclosure as is required in accordance with any other provision of § 603.11.

Such openness towards claimants and employers is deemed as essential to the proper and efficient administration of the State law as is confidentiality towards others. Claimants and employers cannot fully or properly protect their rights, and meet their responsibilities, unless they are made fully aware of those rights and responsibilities. The State and the State agency must be made to bear the responsibility for assuring that claimants and employers are furnished all of the information they need for those purposes. Potential claimants are included to assure that not only active claimants are covered, but also any other person who might file a claim in the future. Employing units, i.e., non-covered employers, are included to assure that not only subject employers are covered, but also any other firm or person having or intending to have any person in its employ.

Mandatory disclosure of information to claimants and employers has been determined, therefore, to be another elementary factor necessary to the proper and efficient administration of the Federal-State unemployment compensation program, and it is this conclusion that is reflected in the interpretation in clause (B) of § 603.11(a)(2)(i).

Paragraph (a)(2)(ii) of § 603.11 states that the interpretations in clauses (A) and (B) of paragraph (a)(2)(i) are conformity and compliance requirements for the State laws and the States. It also states that the State laws must provide penalties for any disclosure of information which is inconsistent with any provision of § 603.11. It further provides that the requirements of paragraph (a)(2)(ii) will be deemed to be met if the State law and administration thereof fully accord with these requirements, including a penalty provision, and there is no other law of the State that is construed as requiring or authorizing a different or conflicting result.

Paragraph (a)(2)(ii) of § 603.11 simply expresses the law on the conformity and compliance requirements of section 303 of the SSA. There is nothing new or different in this statement of those requirements.

Subpart B of new part 603, therefore, fully sets forth positions of the Department on the confidentiality and disclosure requirements of section 303(a)(1) of the SSA. The basic interpretations in paragraph (a)(2)(i) of § 603.11 are precise statements of the Department's positions, although they have not heretofore been stated with such preciseness in any publication issued by the Department. Although the rule of confidentiality, as set forth in clause (A) of paragraph (a)(2)(i), is nothing new, it must be emphasized that the mandatory disclosure to claimants and employers, as set forth in clause (B) of paragraph (a)(2)(i), has not heretofore been expressed in such terms by the Department, and it must, therefore, be regarded as a new position for the purposes of this proposed rulemaking.

Paragraph (b) of § 603.11 covers all of the situations in which the rule of confidentiality set forth in paragraph (a)(2)(i)(A) is inapplicable, but with respect to which section 303(a)(1) is interpreted as requiring disclosure in the course of administering the State law. Paragraph (b) thus includes some of the required disclosure provisions referred to in the last clause of paragraph (a)(2)(i)(B).

Paragraph (b)(1) of § 603.11 requires the disclosure of information to or by officials and employees of the State and State agency as necessary for the proper administration of the State law, and restrictively defines the phrase "officials and employees of the State and State agency" to include only those persons having a need to know. Such disclosure is elementary to the proper and efficient administration of the State law, and therefore is deemed to be a "method of administration" required by section 303(a)(1) of the SSA. It is included in paragraph (b) because of the comprehensive scope of subpart B, and also to express the bounds of such required disclosure.

Paragraph (b)(2) of § 603.11 requires the disclosure of information by all officials and employees of the State and State agency to be made for the record in any judicial or quasi-judicial proceedings under the State law. Such disclosure is required to be made to the extent that it is necessary to a full development of the facts on the issues in the proceeding, and to such further extent as such disclosure will enable the presider to make an informed decision on all of the issues in the case. It is specifically provided that any information so disclosed and made a part of the record in the case shall not thereafter be subject to the rule of confidentiality in paragraph (a)(2)(i)(A) of § 603.11.

The disclosure of information required by paragraph (b)(2) is elementary to the proper and efficient administration of

the State law, and therefore is deemed to be a "method of administration" required by section 303(a)(1) of the SSA.

Paragraph (b)(3) of § 603.11 requires the disclosure of information to officials and employees of other State, local, and Federal agencies, as necessary for the proper administration of the State law. The phrase "other State, local, and Federal agencies" is expressly defined as including other agencies of the State Government or of another State (including the State agency of another State), local governmental agencies of the State, and any Federal agency.

Furthermore, it is expressly provided in paragraph (b)(3) that disclosures to Federal agencies shall include disclosure to the Immigration and Naturalization Service to the extent necessary for alien verification purposes, and may include disclosure of information or certifications requested or required by the Internal Revenue Service for any of the purposes of administration or enforcement of chapter 23 (FUTA) of the Internal Revenue Code of 1986.

Other disclosures covered by paragraph (b)(3) include disclosures as necessary under the Interstate Benefit Payment Plan, the Interstate Arrangement for Combining Employment and Wages (part 616 of this chapter), interstate offset and cross-program offset (subpart H of this part 603), and any other reciprocal arrangements which are consistent with section 303 of the SSA.

Disclosure in all such cases is elementary to the proper and efficient administration of the State law, and therefore is deemed to be a "method of administration" required by section 303(a)(1) of the SSA.

Paragraph (b)(4) of § 603.11 requires the disclosure of information to claimants and employers as necessary for the proper administration of the State law, and it is specifically stated that such disclosure is in addition to the disclosure required by paragraph (a)(2)(i)(B). The focus of these two provisions differs. The first focuses on the needs of claimants and employers; this paragraph (b)(4) focuses on the proper administration of the State law. They are identical, however, in including potential claimants and employing units. The last clause of paragraph (b)(4) bars the redisclosure by employers of information about claimants; the penalty provision required by paragraph (a)(2)(ii) would be applicable to any unauthorized redisclosure.

The provisions of paragraph (b)(4) are deemed by the Department to be necessary for the proper and efficient administration of the State law, and the last clause is necessary for consistency with the rule of confidentiality in paragraph (a)(2)(i)(A). Each such provision is, therefore, deemed to be a "method of administration" required by section 303(a)(1) of the SSA.

Paragraph (b)(5) of § 603.11 expressly provides that the rule of confidentiality in paragraph (a)(2)(i)(A) shall have no applicability to the Department concerning any information requested or required under Federal statutes or regulations for any of the purposes of the Federal-State unemployment compensation program. This exception to the rule of confidentiality for the Department is sweeping, and is intended as a complete bar to the use of the rule of confidentiality to withhold any information from the Department. The bar of paragraph (b)(5) applies throughout the executive branches of the State Governments, including the State agencies.

The rule of paragraph (b)(5) is critical to the administration of the Federal statutes relating to the Federal-State unemployment compensation program, and is indispensable to the carrying out of the duties and responsibilities of the Secretary of Labor and the Department under those Federal statutes and implementing regulations and other directives. For this purpose also a special definition is added to paragraph (b)(5) to specify that the "Department" includes the Inspector General, the Comptroller General, and any contractor for the Department or the Inspector General.

Section 303(a)(1) is interpreted, therefore, as excepting the Department from the rule of confidentiality as set forth in paragraph (a)(2)(i)(A), and as affirmatively requiring disclosure of all information to the Department as provided in paragraph (b)(5).

Clause (iii) of paragraph (b)(5) provides that none of the provisions of subpart B is applicable to any information obtained solely for the purposes of cooperative agreements entered into with the Bureau of Labor Statistics under the authority of 29 U.S.C. 2 and Secretary's Order No. 39–72.

It should be noted that paragraph (b)(5) of § 603.11 pertains solely to information required by the Department for any of the purposes of the Federal-State unemployment compensation program. No provision of paragraph (b), or any other provision of part 603, purports to interpret the provisions of section 303(a)(6) as to the information that may be required by that section to be disclosed to the Department. The Department interprets section 303(a)(6) broadly, however, and in addition to the information required for the purposes of the Federal-State unemployment compensation program, the Department also may require the disclosure of information for the purposes of any other program administered by the Department. For example, the Department may require the disclosure under section 303(a)(6) of information the Department deems necessary to evaluate programs under the Job Training Partnership Act, or to undertake research involving various labor issues within the scope of the Department's mission. Because section 303(a)(6) is the authority for requesting all such information, the disclosure of such information is a conformity and compliance requirement of section 303. In the light of this extended interpretation of the requirements of section 303(a)(6), comments are particularly invited on this subject.

Paragraph (c) of § 603.11 includes provisions on routine exceptions to the rule of confidentiality, and a note about the statutorily mandated exceptions to the rule of confidentiality that are covered in subparts C through L.

Paragraph (c)(1) covers the optional provisions for public officials and contractors of States and State agencies. Clause (i) of paragraph (c)(1) sets forth the Department's long-standing interpretation of section 303(a)(1) as not precluding the disclosure of any information in the records of a State or State agency to any public official (other than a public official referred to in paragraph (b)(1) or (b)(3)) for use in the performance of such public official's duties, and for a purpose which does not involve administration or enforcement of the State law, but only if—

(1) Disclosure of the specific information requested in any case is authorized by the State law, and

(2) The State or State agency determines in any case that such disclosure would not violate any other law of the State which is consistent with this section, or that such disclosure would not significantly hinder or delay the processing of claims for compensation or significantly hinder other activities of the State agency, or that such disclosure would not impede the efficient administration of the State law.

For the purposes of clause (i) of paragraph (c)(1), a "public official" includes only public officials in the executive branch of Federal, State, or local government, except that a State or State agency, at its option, may make disclosures in accordance with clause (i) to officials of a public agency or service

delivery area for the purposes of administration of the Job Training Partnership Act. In addition, the phrase "for use in the performance of such public official's duties" is specifically defined as meaning that disclosed information may be used solely for official business in connection with a law being administered or enforced by such public official. Therefore, the information which may be disclosed under clause (i) of paragraph (c)(1) to a public official for use in the performance of that public official's duties includes only information which is not required to be released under § 603.11(b) and which is not related to the administration or enforcement of the State law, even though the public official may be an official of the "State agency" which administers the unemployment compensation law or the employment service program.

Clause (i) of paragraph (c)(1) is an optional disclosure provision, and a State may, by law, adopt it to its fullest extent, or partially, or not at all. What a State may not do, however, is extend this optional disclosure beyond its scope as stated in clause (i), or dispense with any of the terms or conditions on such disclosures as set forth in clause (i) and in paragraph (d)(2).

Clause (ii) of paragraph (c)(1) deals with contractors of States and State agencies as a further exception to the rule of confidentiality. In accordance with clause (ii), information in the records of the State or State agency may be made available to a contractor of the State or State agency, provided that such disclosure is authorized by the State law, disclosure is made solely to the extent that it is necessary and proper to effectuate the contract, and the contract is fundable from title III granted funds.

Clause (ii) of paragraph (c)(1), like clause (i), is an optional provision, which is subject to the terms and conditions stated in clause (ii) and in paragraph (d)(2).

Paragraph (c)(2) of § 603.11 simply notes that the statutorily required exceptions to the rule of confidentiality, which are covered by subparts C through L of new part 603, are subject to the terms and conditions upon such disclosures as are set forth in the separate subparts. It is specifically noted in paragraph (c)(2) that the disclosure of any information to any public official, beyond that which is specifically required by subparts C through L, may be made solely in accordance with the optional provision of clause (i) of paragraph (c)(1), and under the terms and conditions applicable to such disclosures. What this means is, that if a State agency, in negotiating an agreement in accordance with subpart C (for example), wishes to disclose more information than is specifically required under subpart C, the agreement for providing such additional information will be required to be entered into in accordance with the terms and conditions of paragraphs (c)(1)(i) and (d)(2). No exceptions are permissible to this rule, for any of subparts C through L.

Paragraph (d) of § 603.11 states the terms and conditions on disclosures of information made in accordance with paragraphs (b), (c), and (f) of such section, which are in addition to the terms and conditions contained in such paragraphs.

Paragraph (d)(1)(i) provides that any disclosure made in accordance with paragraph (b) shall be made without regard to §§ 603.12, 603.13, and 603.14. Such terms and conditions are not appropriate or allowable with respect to disclosures made in accordance with paragraph (b).

Paragraph (d)(1)(ii) provides that any disclosure made in accordance with paragraph (f) may similarly be made without regard to § § 603.12, 603.13, and 603.14, except that, in the case of any disclosure made in accordance with paragraph (f) to anyone who is not a claimant or employer (referred to in paragraph (a)(2)(i)(B) or paragraph (b)(4)), or which is not made in the course of the administration of the State law, the State agency may require payment of its costs of making the disclosure. For disclosures of information in the public domain it would be inappropriate to require adherence to the requirements of §§ 603.12, 603.13, and 603.14.

Paragraph (d)(2) provides that optional disclosures made in accordance with clause (i) or (ii) of paragraph (c)(1) shall be made upon the terms and conditions as set forth therein and in §§ 603.12, 603.13, and 603.14, except that in the case of clause (ii) (State and State agency contractors) such disclosures may be made without requiring payment of costs as provided in § 603.12.

Paragraph (d)(3) provides that any mandatory disclosure referred to in paragraph (c)(2) shall be made solely upon the terms and conditions as set forth in the applicable subpart of new part 603.

Paragraph (e) of § 603.11 states the long-standing position of the Department on responses to subpoenas or other compulsory processes. Costs are payable from granted funds solely for actions taken which are consistent with this paragraph (e). Considerations of the use of granted funds also underlie the reason why the State or State agency should seek payment of its costs if the court orders disclosure.

Paragraph (f) of § 603.11 provides that the rule of confidentiality shall not be deemed to be applicable to any information in the records of the State or State agency which is in the public domain. Four separate clauses of paragraph (f) spell out the information that shall be considered to be in the public domain. There is then set forth three specific bases a State or State agency may cite as a reason for declining to disclose information in the public domain. None of these three reasons may be the basis for declining to disclose information to claimants or employers referred to in paragraphs (a)(2)(i)(B) or (b)(4).

With respect to the general rules on confidentiality and disclosure of information, comments are invited on the effect, if any, this proposed rule would have on academic research.

Section 603.12, *Payment of costs*, sets forth the rules on recovery of the State's and State agency's costs of making disclosures of information which are not made in the course of the administration of the State law. The statutory principle underlying these rules is that funds granted under title III of the SSA for the administration of the State unemployment compensation law may not be used for any other purpose whatever. This is required by the explicit statutory terms of section 302(a) of the SSA, and pursuant to section 303(a)(8) of the SSA this is a conformity requirement for approved State laws and is a compliance requirement for the States and State agencies under section 303(b) of the SSA.

Paragraph (a)(1) of § 603.12 provides that granted funds may be used to pay all costs of disclosures referred to in paragraphs (a)(2)(i)(B) and (b) of § 603.11, and for any other disclosures referred to in paragraph (c)(1)(ii) or (f) for which the costs are not charged to the recipient of the information. All such costs may be considered costs of administration of the State's law.

Paragraph (a)(2) of § 603.12 provides that granted funds may not be used to pay any of the costs of making optional disclosures referred to in paragraph (c)(1)(i) of § 603.11, except in isolated cases as set forth in paragraph (a)(2).

Paragraph (a)(3) of § 603.12 states the inclusive rule that granted funds may not be used to pay any of the costs of making any disclosure except as provided in paragraphs (a)(1) and (a)(2).

Paragraph (b) of § 603.12 provides that costs shall be calculated under the rules of 29 CFR part 97 and OMB Circular No.

A–87, and shall include any initial start-up costs. Postage or other delivery costs involved in making a disclosure shall be included as costs chargeable to the recipient. Further, penalty mail may not be used in any circumstances to transmit information being disclosed, except information referred to in paragraph (b), (c)(1)(ii), or (f) of § 603.11. Information that may not be sent by penalty mail may not be included in any mailing that may be sent by penalty mail.

With respect to the burden associated with information collection or recordkeeping required by this proposed rule, comments on any expected increase in such burden are invited from the State agencies.

Paragraph (c) of § 603.12 states the rule on payment and collection of the costs of making disclosures.

Section 603.13, *Safeguards for disclosed information,* sets forth the rules required to be imposed on recipients of disclosed information, to use the information solely for authorized purposes and to preclude the unauthorized redisclosure of the information.

Paragraph (a) of § 603.13 sets forth the general rules, which require the State or State agency to require of the recipient of disclosed information, that the recipient safeguard the information against unauthorized access or redisclosure as provided in paragraphs (b) and (c), and that the recipient be subject to penalties provided by the State law for unauthorized disclosure. The same general rules apply to a contractor for the State or State agency, and to any information obtained by the contractor from any other source in the execution of the contract.

The general rules stated in paragraph (a) reflect the Department's positions on these matters, and are a more complete statement of those rules than is contained in the present § 603.7(a). It is important to emphasize that significance is infused in the safeguards by requiring that recipients and their officials and employees must be subject to penalties provided by the State law for any unauthorized disclosure of information.

Paragraph (b)(1) of § 603.13 provides that the recipient shall be permitted to use disclosed information only for valid purposes involved in discharging the recipient's lawful responsibilities, and this also means only for the program purposes for which the information was disclosed. The recipient must also be prohibited from redisclosing the information except as provided in paragraph (c). This is a clarified version of present § 603.7(a)(1).

Paragraph (b)(2) of § 603.13 provides that the recipient shall be prohibited from using the information for any purpose not specifically authorized by an agreement which meets the requirements of § 603.14. This is the same as present § 603.7(a)(2).

Paragraph (b)(3) of § 603.13 provides that the recipient shall be required to store the disclosed information in a place physically secure from access by unauthorized persons. This is the same as present § 603.7(a)(3).

Paragraph (b)(4) of § 603.13 provides that information in electronic format shall be required to be stored securely. This is essentially the same as present § 603.7(a)(4).

Paragraph (b)(5) of § 603.13 provides that precautions shall be required to be taken to insure access only by authorized persons. This is essentially the same as present § 603.7(a)(5).

Paragraph (b)(6) of § 603.13 provides that the head of each recipient agency shall be required to give specified instructions to all personnel having access, and shall be required to sign an acknowledgment in the form specified in clause (ii) of paragraph (b)(6). This is essentially the same as present § 603.7(a)(6), but the terms of the acknowledgment are set forth with more specificity.

Paragraph (b)(7) of § 603.13 is not contained in the present § 603.7(a). It provides that the recipient shall be required to dispose of all disclosed information, and any copies thereof, after the purpose for which the information is disclosed has been served. An exception is made for any information filed in the record of any court case. Disposition instructions may include return of the information to the State or State agency, or destruction of the information, as directed by the State or State agency. Disposition includes deletion of personal identifiers by the State or State agency in lieu of destruction. It is further provided that any such information (or copies) shall not be archived or sent to any records center, and shall not be retained with personal identifiers for longer than ten years.

Paragraph (b)(7) is intended to counter a problem the Department has become aware of, involving the continual reuse of information long after the original purpose has ended, sometimes involving information that would not have been disclosable had subpart B been in effect at the time the information was obtained, or which was not disclosable under the Department's position at the time. This being the appropriate occasion to address the problem, and with disclosure today involving many more public officials, it has become evident that better controls must be instituted to avoid abuses in the use of disclosed information.

In paragraph (b)(7), therefore, two major controls are required. The first is to require disposal of the information after it has served its purpose. This control is made more effective by requiring disposition to be at the direction of the State or State agency that disclosed the information in the first instance. The second major control is to prohibit permanent records storage, and set an outside time limit on retaining the information. A ten-year time limit is deemed by the Department to be more than ample for this purpose.

The controls required by paragraph (b)(7) are essential to any meaningful management of an information system. These new controls, therefore, are deemed by the Department to be critical to effective safeguards of any disclosed information.

To effectuate the controls of paragraph (b)(7), as well as for the other purposes of subpart B, it will be necessary for the States and State agencies to document all disclosures of information (other than those referred to in paragraph (a) or (b) of § 603.11) and initiate a tracking system for all disclosures. The records will be required to be sufficient for purposes of auditing compliance with the requirements of subpart B.

It should be noted that the ten-year retention period is the longest retention period authorized by paragraph (b)(7), and each State will have the authority to prescribe a shorter period with respect to any specific information disclosed. It should be recognized that any retention period of three or more years with no maximum number of years would permit a recipient to establish and maintain a longitudinal data base for such period, and likely would engender requests that result in establishing continuous data bases that would be maintained indefinitely. States will be obligated to monitor the contract or agreement under which the data is disclosed throughout the entire retention period because of the enforcement requirements of § 603.14(c)(2). For these reasons, comments are particularly invited on the ten-year retention period.

Paragraph (c) of § 603.13 specifies the only four situations in which a recipient may redisclose information. This is essentially the same as present § 603.7(b), but with the addition of redisclosure in response to a subpoena as provided in § 603.11(e).

The provision for on-site inspections in paragraph (c) of present § 603.7 is not

included in § 603.13, but is included in § 603.14.

Section 603.14, *Agreements and contracts*, sets out the terms and conditions for agreements with requesting agencies, and contracts with contractors, covering all information subject to the rule of confidentiality. Contracts with contractors also will be required to cover any information obtained by the contractors from any other source in the execution of the contracts.

Paragraph (a) of § 603.14 expresses the requirement for agreements and contracts as stated above.

Paragraph (b) of § 603.14 specifies the terms and conditions that must be included in all agreements and contracts, and also provides that the terms and conditions of any agreement or contract need not be limited to those specifically required. The provisions of paragraph (b) are essentially the same, with modifications for clarity and application to contracts, as are contained in the present § 603.6. The only significant difference is that the on-site inspection requirement of present § 603.7(c) is made a requirement for agreements and contracts by the addition of essentially the same provision in clause (7) of paragraph (b).

Paragraph (c) of § 603.14, on breach of an agreement and enforcement, is not contained in the present part 603, and is added as being essential to furnish guidance to the States and State agencies of the remedies they must have available to them under the State laws to assure conformity and compliance with the requirements of section 303(a)(1) of the SSA and subpart B.

Paragraph (c)(1) prescribes the steps that shall be taken in case of any breach of an agreement or contract, including failure to timely pay for the costs of any disclosure. First, the agreement or contract must be suspended, and any further disclosure is prohibited, until the State or State agency is satisfied that corrective action has been taken and that there will be no further breach of the agreement or contract. Second, in the absence of prompt and satisfactory corrective action the agreement or contract shall be cancelled, and the party shall be required to surrender all information obtained under the agreement or contract and any other information relevant to the agreement or contract.

It is important to the integrity of the rule of confidentiality that any breach of an agreement or contract, whatever its importance may seem in the abstract, be promptly addressed and corrected, and, in the absence of prompt and satisfactory correction, that the agreement or contract be cancelled and the State or State agency retrieve and secure all information.

Paragraph (c)(2) requires that the State law provide effective enforcement tools for the State and State agency, and that effective enforcement tools be utilized. Thus, in addition to the actions required to be taken in accordance with paragraph (c)(1), the State or State agency is required to undertake any other action under the agreement or contract, or under any law of the State or of the United States, to enforce the agreement or contract and secure satisfactory corrective action or surrender of information. Other remedial actions required to be undertaken include seeking damages, penalties, and restitution for any charges to granted funds, and recompense for all costs incurred by the State or State agency in pursuing the breach of the agreement or contract and enforcement as required by paragraph (c).

It must be kept in mind that, under sections 302(a) and 303(a)(8) of the SSA, granted funds may not be used in any manner or for any purpose in the administration or enforcement of such agreements and contracts. It follows that granted funds may not be used in pursuing breaches or enforcement of such agreements and contracts. Any costs incurred in regard to such matters must be fully recovered, and this underlines the importance of diligence in seeking recovery of such costs in connection with any and all breaches.

Section 603.15, *Notification of claimants and employers*, expresses one of the elementary requirements of developing law, that any information in the records of the State or State agency concerning any claimant or employer may be disclosed to others, and they are entitled to be notified of that possibility. This section is a restatement of the same requirement contained in present § 603.4, and is made applicable to employers as well as claimants. More detailed notification may be required by State privacy law, and, if so that will not be deemed to be inconsistent with this section.

Section 603.4 of the present part 603 implements the notification requirement applicable to the income and eligibility verification system (IEVS) in section 1137(a)(6) of the SSA. In § 603.15 the notification requirement of section 1137(a)(6) is restated as a general requirement of section 303(a)(1) of the SSA, and applicable to all disclosures that may be made in accordance with new part 603. Further, it is extended to cover employers, also as a requirement of section 303(a)(1).

The Department believes that the notification required by § 603.15 is a reasonable interpretation of the "methods of administration" requirement of section 303(a)(1), and that the thrust of section 1137(a)(6) is correct and justifiably extended to all of new part 603. The basis for this position is that claimants and employers are entitled to know everything the government does or may do that affects them, not only what their rights and responsibilities are under the State law, but also what use may be made of State records that may affect them directly or indirectly. Accordingly, for the purposes of section 303(a)(1), claimants and employers are entitled to be informed of what uses the government makes of information in State records, as well as information needed to protect their rights and carry out their responsibilities under the State law. On the other hand, because section 1137(a)(6) applies only to the IEVS implemented in subpart C, there would be justification in limiting the notification requirement to subpart C, either as set forth in present § 603.4 or as restated and extended to employers in § 603.15, and otherwise leave the matter of required notification of claimants and employers to the law of each State. Therefore, comments are particularly invited on this subject as follows.

In view of the fact that § 603.15 is a significant extension of present § 603.4, and has not heretofore been expressed by the Department as a requirement of section 303(a)(1), comments are invited on making such notification a general requirement of section 303(a)(1).

Notice, also, that this extended notification requirement is made applicable in subpart C to the IEVS, but no specific reference to § 603.15 is made in subparts D through L. Comments are invited on this extension of the notification requirement for subpart C, and as to whether § 603.15 should be referred to expressly in subparts D through L.

Section 603.16, *Effectuating conformity and compliance*, is not contained in the present part 603, and need not have been because section 303(f) (the requirement implemented in present part 603) is not a conformity requirement. Section 303(a)(1) is, however, both a conformity and a compliance requirement, and § 603.16 thus sets forth the statutory procedures for effectuating both conformity and compliance. There is nothing new or different in this section, however; set forth simply therein, for the edification of the States and State agencies, are the conformity and compliance procedures

prescribed by section 303(b) of the SSA and 20 CFR 601.5. Added in paragraph (c) is a provision on formal and informal resolution of issues, by reference to specific provisions of 20 CFR 601.5.

Subpart C—Income and Eligibility Verification System

Subpart C implements section 303(f) of the SSA, as amended in 1988.

Subpart C includes portions of the present subpart A, IEVS regulations first published in the **Federal Register** on February 28, 1986, at 51 FR 7199. Specifically, section 2651(d) of Public Law 98–396 added new section 303(f) to the SSA. This section requires States to have in effect an income and eligibility verification system, pursuant to which information is requested and exchanged for the purpose of verifying eligibility for, and the amount of, benefits available under several Federally-assisted programs including the Federal-State unemployment compensation program. Under the 1988 amendments to section 1137, SSA, subpart C also makes reference to the new provisions on verification of immigration status.

Subpart C replaces only those parts of unemployment insurance program letters (UIPLs) 1–85, and Change 1, 24–86, and 12–87 related to the disclosure of information under section 303(f), SSA.

Present § 603.1, *Purpose*, has been redesignated § 603.20 and retitled, *Purpose and application*, and revised to more accurately reflect the purpose of disclosure under IEVS. It also references the requirements under section 1137, SSA, that States have wage record systems and that claimants furnish statements regarding their social security account numbers and (under the 1988 amendments to section 1137, SSA) nationality or immigration status. In the paragraph on "Application" it is made clear that only State agencies, not States, are required to disclose information referred to in subpart C.

Present § 603.2, *Definitions*, is redesignated § 603.21. Definitions for State unemployment compensation agency and wage information have been moved to § 603.3 and modified for clarity and simplification.

Paragraph (a) of § 603.21 defines "claim information" in essentially the same terms as it is defined in the present part 603. This definition is based on section 1137(a)(4)(A) of the SSA which provides that agencies will exchange other information (besides wage information) in their possession for use in establishing or verifying eligibility or benefit amounts under the Federally-assisted programs.

Paragraph (b) of § 603.21 defines "requesting agency" in essentially the same terms as it is defined in the present part 603. Where applicable, cross references among the various subparts are added.

Present § 603.3, *Eligibility condition for claimants*, has been eliminated because it does not deal directly with the disclosure of confidential information. Reference to the requirement that claimants furnish statements regarding their social security account numbers and nationality or immigration status is included in § 603.20.

Present § 603.4, *Notification to claimants*, has been redesignated § 603.22 and retitled, *Notification to claimants and employers*, and makes applicable by reference the requirements of § 603.15. That section has been revised for clarity and to provide notification to employers of the potential use of information provided by them.

Present § 603.5, *Disclosure of information*, has been redesignated § 603.23 and modified for clarity and simplification.

Present § 603.6, *Agreement between State unemployment compensation agency and requesting agency*, has been redesignated § 603.27 and retitled, *Agreements*. This section has been changed to make applicable by reference the requirements of § 603.14 (b) and (c), which is a somewhat revised version of the language of present § 603.6. Paragraph (c) of present § 603.6, related to Federal, State, or local agencies in another State requesting information, is retained in § 603.27.

Present § 603.7, *Protection of confidentiality*, has been redesignated § 603.26 and retitled, *Safeguards for disclosed information*. This section has been changed to make applicable by reference the requirements of § 603.13 which is a somewhat revised version of the language of present § 603.7, except for moving the paragraph related to on-site inspections (§ 603.7(c)) to § 603.14(b)(7) on agreements in order to make the requirement enforceable by agreement.

Present § 603.8, *Obtaining information from other agencies and crossmatching with wage information*, has been redesignated § 603.24 and modified for clarity.

Present § 603.9, *Effective date of rule*, has been eliminated because the date (May 29, 1986) by which the States must have developed a plan describing a good faith effort to comply with the requirements of section 1137 (a) and (b), SSA, has passed, making the section outdated.

Section 603.25, *Payment of costs*, is added to explicitly require payment of costs to State agencies by Federal, State, and local agencies receiving information. In the present part 603, payment of costs is implied in § 603.6(b)(5) which requires provision for reimbursement in the agreements between the State agency and the agencies requesting disclosure. The statute provides for payment of costs under section 1137(a)(7), SSA. This section makes applicable by reference the requirements of paragraphs (b) and (c) of § 603.12.

Section 603.28, *Effectuating compliance*, makes applicable by reference the requirements of paragraphs (b) and (c) of § 603.16 and is added to this subpart, under the controlling interpretation of section 303(a)(1), SSA, to assure that State agencies comply substantially with the requirements of disclosure under subpart C.

Subpart D—Disclosure of Information to Agencies Charged With the Administration of Public Works or Assistance Through Public Employment

Subpart D implements section 303(a)(7), SSA.

Section 603.30, *Purpose and application*, sets forth the requirement under section 303(a)(7), SSA, that a State law provide that certain information be made available to any agency of the United States charged with the administration of public works or assistance through public employment. Subpart D applies only to State agencies.

Section 603.31, *Disclosure of information*, incorporates the statutory language and provides that disclosure be made upon request and only include, with respect to recipients for unemployment compensation, name, address, ordinary occupation, employment status, and a statement of such recipient's rights to further compensation under the State law.

Sections 603.32, 603.33, 603.34, and 603.35 address payment of costs, safeguards for disclosed information, agreements, and effectuating conformity and compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(a)(7), SSA, requires conformity and substantial compliance with Federal requirements, but does not explicitly require payment of costs, adoption of safeguards, or execution of an agreement. All conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Subpart E—Disclosure of Information to the Railroad Retirement Board

Subpart E implements section 303(c)(1), SSA.

Section 603.40, *Purpose and application*, sets forth the requirement under section 303(c)(1), SSA, that a State agency provide certain information to the Railroad Retirement Board. Subpart E applies only to State agencies.

Section 603.41, *Disclosure of information*, follows the statutory language and provides that disclosure be made upon request and include information as the Board deems necessary for its purposes.

Sections 603.42, 603.43, 603.44, and 603.45 address payment of costs, safeguards for disclosed information, agreements, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(c)(1), SSA, explicitly requires payment of costs, but does not require adoption of safeguards and execution of an agreement. All conditions are imposed under the controlling interpretation of section 303(a)(1), SSA. Although the statutory language would support a stricter criterion, section 303(c)(1), SSA, is interpreted as requiring substantial compliance to achieve uniformity among all the compliance requirements of section 303, SSA.

Subpart F—Disclosure of Information to the Department of Agriculture and State Food Stamp Agencies

Subpart F implements sections 303(d)(1) and 303(d)(2)(B), SSA.

Subpart F replaces only those parts of UIPL 52–80, and Change 1, related to the disclosure of information under the above sections of the SSA.

Section 603.50, *Purpose and application*, follows the statutory language and sets forth the requirement under section 303(d)(1), SSA, that a State agency disclose certain information to officers and employees of the Department of Agriculture and to officers or employees of any State food stamp agency for purposes of determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*).

Section 603.50 also implements section 303(d)(2)(B), SSA, which permits a State agency to notify the State food stamp agency of any individual who discloses on a new unemployment compensation claim that he or she owes an uncollected overissuance of food stamp coupons, and to forward any withheld compensation to the State food stamp agency.

Further, § 603.50 notes that regulations in this subpart do not implement clauses (i), (iii), and (iv) of section 303(d)(2)(B), SSA, which relate, respectively, to the disclosure by an individual to the State agency of an uncollected overissuance, to the deduction and withholding from unemployment compensation of such overissuance, and to the payment of the amount deducted and withheld to the appropriate State food stamp agency, except as the latter involves disclosure of information. The requirements of these clauses are excluded because they are incidental to the disclosures of information required in accordance with this subpart.

Also, § 603.50 notes that disclosure of information required by subpart F is in addition to the disclosure requirements of subparts C, implementing the IEVS, and L. Subpart F applies only to State agencies.

Section 603.51, *Definition*, incorporates statutory language by defining "State food stamp agency" as meaning any State or local agency described in 7 U.S.C. 2012(n)(1) which administers the food stamp program established under the Food Stamp Act of 1977.

Section 603.52, *Disclosure of information*, provides that the disclosure of information be made upon request and include certain information related to wages (in substance, present part 603 definition) and claims (as specified in the statute). Further, § 603.52 provides that disclosure be made of any information required in connection with the transmittal of withheld compensation to the appropriate State food stamp agency.

Section 603.52 also provides that a State agency may notify the State food stamp agency (to which an uncollected overissuance is owed) that any individual who discloses such a debt has been determined to be eligible for unemployment compensation (if such determination has been made by the State agency).

Sections 603.53, 603.54, 603.55, and 603.56 address payment of costs, safeguards for disclosed information, agreements, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(d)(1), SSA, explicitly requires payment of costs, and adoption of safeguards, but does not require execution of an agreement. Section 303(d)(2), SSA, also requires payment of costs. All conditions are imposed on disclosures required by section 303(d) (1) and (2) under the controlling interpretation of section 303(a)(1), SSA. Section 303(d)(3), SSA, requires substantial compliance with respect to section 303(d)(1), SSA, but does not contain enforcement language for section 303(d)(2). In the proposed rule section 303(d)(2), as well, is interpreted as requiring substantial compliance.

Subpart G—Disclosure of Information to State or Local Child Support Enforcement Agencies

Subpart G implements sections 303(e)(1) and 303(e)(2)(A), SSA.

Subpart G replaces only those parts of UIPL 52–80, and Change 1, related to the disclosure of information under the above sections of the SSA.

Section 603.60, *Purpose and application*, sets forth the requirement under section 303(e)(1), SSA, that a State agency disclose certain information contained in the State agency's records directly to officers or employees of any State or local child support enforcement agency for purposes of establishing and collecting child support obligations from, and locating, individuals owing such obligations.

Section 603.60 also implements section 303(e)(2)(A), SSA, which requires that a State agency notify the State or local child support enforcement agency of any individual who discloses on a new unemployment compensation claim that he or she owes child support obligations, that the individual has been determined to be eligible for unemployment compensation if such determination has been made by the State agency, and requires forwarding any withheld compensation to the child enforcement agency.

Further, § 603.60 notes that the regulations in this subpart do not implement clauses (i), (iii), and (iv) of section 303(e)(2)(A), SSA, which relate, respectively, to the requirement that an individual disclose that he or she owes child support obligations, to the deduction and withholding from unemployment compensation of such obligations, and to the payment of the amount deducted and withheld to the appropriate State or local child support enforcement agency, except as the latter involves disclosure of information. The requirements of these clauses are excluded because they are incidental to the disclosures of information required in accordance with this subpart.

Also, § 603.60 indicates that disclosure of information required by subpart G is in addition to the disclosure requirements of subparts C, implementing the IEVS, I, and L. Subpart G applies only to State agencies.

Paragraph (a) of § 603.61, *Definitions*, incorporates statutory language by defining "child support obligations" as only including obligations which are being enforced pursuant to a plan described in section 454, SSA, which has been approved by the Secretary of Health and Human Services under part D of title IV, SSA.

Likewise, paragraph (b) of § 603.61 defines "State or local child support enforcement agency" as meaning any agency of a State or political subdivision thereof operating pursuant to a plan described in section 454, SSA, which has been approved by the Secretary of Health and Human Services under part D of title IV, SSA. Accordingly, disclosure of information under this subpart is restricted for use in administration of child support enforcement only. Subpart L provides for much broader disclosure of information to IV-D agencies, but does not include wage information.

Section 603.62, *Disclosure of information*, provides that disclosure be made upon request and include certain information related to wages (in substance, present part 603 definition). Further, § 603.62 provides that disclosure be made of any information required in connection with the transmittal of withheld compensation to the appropriate State or local child support enforcement agency.

Section 603.62 also provides, as required by statute, that a State agency notify the State or local child support enforcement agency, with respect to any individual who discloses on a new unemployment compensation claim that he or she owes child support obligations, that the individual has been determined to be eligible for unemployment compensation if such determination has been made by the State agency.

Sections 603.63, 603.64, 603.65, 603.66 address payment of costs, safeguards for disclosed information, agreements, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(e)(1), SSA, explicitly requires payment of costs, and adoption of safeguards, but does not require execution of an agreement. Section 303(d)(2) also requires payment of costs. All conditions are imposed on disclosures required by section 303(e) (1) and (2) under the controlling interpretation of section 303(a)(1), SSA. Section 303(e)(3), SSA, requires substantial compliance with Federal requirements.

Subpart H—Disclosure of Information Related to Recovery of Overpayments

Subpart H implements the disclosure of information which is required under the interstate offset and cross-program offset agreements which are authorized by section 303(g), SSA. Subpart H does not implement the requirements for such offsets beyond those relating to disclosure of information.

Section 603.70, *Purpose and application*, explains that disclosure of information is required in carrying out the interstate offset and cross-program offset agreements which are authorized by section 303(g), SSA. Under this section, States are permitted to withhold unemployment compensation payable under State laws to recover overpayments of benefits made to individuals by other States. Also, an overpayment of State unemployment compensation may be recovered from a payment made under a Federal unemployment benefit or allowance program if the State has entered into an agreement with the Secretary of Labor under section 303(g)(2), SSA, pursuant to which it may recover overpayments of State benefits from payments made under a Federal unemployment benefit or allowance program if it reciprocally recovers overpayments made under a Federal unemployment benefit or allowance program from State payments. Specifically, this section permits interstate same program offsets (i.e., State from State and Federal from Federal) and intrastate and interstate cross program offsets (i.e., State from Federal and Federal from State). Such interstate and cross-program recovery of overpayments necessarily requires the disclosure of information contained in State agency records. Subpart H applies only to State agencies.

Also, § 603.70 defines "Federal unemployment benefit or allowance program" as meaning any program established by Federal statute and administered by the Department, which provides for the payment from Federal funds of compensation to individuals. Under this definition, the only programs currently existing are those providing for the payment of unemployment compensation to Federal employees, unemployment compensation to ex-servicemembers, trade readjustment allowances under the trade adjustment assistance program, disaster unemployment assistance, and weekly layoff benefits under the redwood employee protection program.

Section 603.71, *Disclosure of information*, provides that the State agency may disclose to State agencies in other States only that unemployment compensation information which is necessary to effectuate recovery of overpayments from individuals as authorized by State law in accordance with section 303(g), SSA. Further, to effectuate the purposes of interstate same program and cross-program offset the State agency shall disclose such information from its records as is necessary to accomplish these purposes. Similarly, a State agency effecting an offset may disclose to the other State agency only such information as is necessary for the purposes of the interstate agreement. This section does not specifically indicate the information which may be disclosed because State laws vary considerably and different information may be required by the States in order to effectuate an offset; however, it does limit the information to only that required for an offset.

Section 603.72, *Payment of costs*, provides that payment of costs by the receiving State agency is neither appropriate nor required with respect to disclosures of information under this subpart because granted funds paid to a State under section 302(a), SSA, may be used to pay all costs of disclosure under this Subpart.

Section 603.73, *Safeguards for disclosed information*, provides that the State agency receiving information disclosed under this subpart may use it only for purposes of recovering the overpayment for which the information was disclosed. This section makes applicable by reference the confidentiality requirements of § 603.13 of part 603.

Section 603.74, *Agreements*, explains that section 303(g)(2), SSA, requires an agreement between each State and the Secretary of Labor to authorize cross-program offsets (either intrastate or interstate). A properly executed agreement must be in effect before any cross-program offset may occur or information may be disclosed. No agreement with the Secretary is required for interstate, same program offsets. For interstate, same program offsets, reciprocal arrangements between and among the States are appropriate. Accordingly, an agreement such as that required under § 603.14 of part 603 is neither appropriate nor required under subpart H.

Section 603.75, *Effectuating compliance*, provides that where the Department has reason to believe that a State or State agency (the disclosing agency or the receiving agency) has failed to comply substantially with any of the requirements of subpart H, the requirements of paragraphs (b) and (c) of § 603.16 are applicable. Section

303(g), SSA, does not contain enforcement language, but substantial compliance is imposed under the controlling interpretation of section 303(a)(1), SSA.

Subpart I—Actions Required by State Agencies to Enable the Secretary of Health and Human Services to Obtain Prompt Access to Information

Subpart I implements section 303(h), SSA.

Subpart I replaces only those parts of UIPL 11–89 related to disclosure of information under section 303(h), SSA.

Section 603.80, *Purpose and application,* sets forth the requirement under section 303(h), SSA, that a State agency take action necessary to enable the Secretary of Health and Human Services (HHS), in accordance with the "Memorandum of Understanding" (appendix A to part 603) between the Secretaries of Labor and HHS, to obtain prompt access to certain information contained in the State agency's records for purposes of carrying out the child support enforcement program under title IV, section 453, SSA. As specified in that section, the Office of Child Support Enforcement (OCSE), Federal Parent Locator Service (FPLS), performs this function on behalf of the Secretary of HHS.

Also, § 603.80 notes that disclosure of information required by subpart I is in addition to the disclosure requirements of subparts C, implementing IEVS, G and L. Subpart I applies only to State agencies.

Section 603.81, *Disclosure of information,* provides that disclosure be made upon request and include certain wage information, claim information (both, in substance, present part 603 definitions), and other information (not specified in the statute other than to qualify it as useful in locating absent parents or parents' employers) contained in the records of such State agency.

Sections 603.82, 603.83, and 603.85 address payment of costs, safeguards for disclosed information, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(h), SSA, explicitly requires substantial compliance, but does not require payment of costs and adoption of safeguards. All conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Section 603.84, *Agreements,* explains that as specified in the "Memorandum of Understanding" between the Secretaries of Labor and Health and Human Services (appendix A to part 603), the Secretaries have agreed that the OCSE will enter into a written agreement with a State agency to act as OCSE's agent in establishing an arrangement with a contractor coordinating the information exchange for the purpose of facilitating the transmission of requests and responses to requests for information as provided in § 603.81. With respect to agreements for purposes of this subpart, § 603.84 makes applicable by reference the requirements of § 603.14, which also addresses breaches of agreements.

Subpart J—Disclosure of Information to the Department of Housing and Urban Development and Public Housing Agencies

Subpart J implements section 303(i), SSA.

Subpart J replaces only those parts of UIPL 11–89 related to the disclosure of information under section 303(i), SSA.

Section 603.90, *Purpose and application,* sets forth the requirement under section 303(i), SSA, that a State agency disclose certain information to officers and employees of the Department of Housing and Urban Development and to representatives of a public housing agency for the purposes of determining an individual's eligibility for, or amount of, benefits under a housing assistance program of the Department of Housing and Urban Development. Subpart J applies only to State agencies.

Also, § 603.90 notes that section 904(c)(2) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100–628) provides certain protections for applicants for, and recipients of, benefits under the programs of the Department of Housing and Urban Development in connection with the use of information obtained pursuant to section 303(i), SSA.

In addition, § 603.90 notes that section 904(c)(3) of the Stewart B. McKinney Act sets forth criminal penalties for certain misconduct in connection with information within the purview of section 303(i), SSA, as well as certain remedies for applicants and recipients who were subjected to misconduct with respect to such information. The Department of Labor is not, however, responsible for administering sections 904(c)(2) and 904(c)(3) of the Stewart B. McKinney Act.

Paragraph (a) of § 603.91, *Definitions,* defines "consent form" by reference to section 904(b) of the Stewart B. McKinney Act of 1988 (Pub. L. 100–628). The form, giving consent for release of information, must be signed by an individual before the State agency provides information specified in § 603.92.

Paragraph (b) of § 603.91 defines "public housing agency" by reference to section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)). The term means any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing. The term does not include a private owner responsible for determining eligibility for or level of benefits under the Act.

Section 603.92, *Disclosure of information,* incorporating statutory language, provides that disclosure be made upon request and include certain wage (in substance present part 603 definition) and limited claim (as specified in the statute) information contained in the records of the State agency.

Section 603.93, *Frequency and format of disclosure,* provides that the frequency and format of the information disclosed under this subpart be determined by agreement in accordance with paragraph (b)(3) of § 603.14. The format and frequency are not specifically prescribed in order to allow the needed flexibility among State agencies and Federal, State, and local agencies requesting information.

Sections 603.94, 603.95, 603.96, and 603.97 address payment of costs, safeguards for disclosed information, agreements, and effectuating compliance, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 303(i), SSA, explicitly requires payment of costs, adoption of safeguards, and substantial compliance with Federal requirements, but does not require execution of an agreement. All conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Subpart K—Disclosure of Information to Public Agencies Administering Programs of Aid to Families with Dependent Children

Subpart K implements section 3304(a)(16), FUTA, (26 U.S.C. 3304(a)(16)).

Subpart K replaces only those parts of UIPL 21–78 related to the disclosure of information under section 3304(a)(16), FUTA.

Section 603.100, *Purpose and application,* sets forth the requirement under section 3304(a)(16), FUTA that a State agency disclose certain

information to a State or political subdivision thereof administering a State plan for aid and services to needy families with children approved under part A of title IV, SSA, for purposes of determining an individual's eligibility for aid or services, or the amount of such aid or services.

Also, § 603.100 notes that disclosure of information required by subpart K is in addition to the disclosure requirements of subparts C, implementing IEVS, and L. subpart K applies only to State agencies.

Section 603.101, *Disclosure of information*, incorporating statutory language, provides that disclosure be made upon request and include wage information (determined necessary by the Secretary of Health and Human Services) contained in the records of the State agency.

Sections 603.102 and 603.104 address payment of costs and agreements, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 3304(a)(16), FUTA, does not require payment of costs or adoption of an agreement, but these conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Section 603.103, *Safeguards for disclosed information*, makes applicable by reference the requirements of 45 CFR 205.50. Section 3304(a)(16), FUTA, requires establishment of safeguards as determined necessary by the Secretary of Health and Human Services. Regulations at 45 CFR 205.50 will govern the adoption of safeguards required by this subpart.

Section 603.105, *Effectuating conformity and compliance*, makes applicable the conformity and substantial compliance requirements of section 3304(c), FUTA, and 20 CFR 601.5(a). Section 3304(c), FUTA, requires such conformity and substantial compliance with the requirements of section 3304(a)(16).

Subpart L—Disclosure of Information Under the Wagner-Peyser Act

Subpart L implements section 3(b) of the Wagner-Peyser Act with respect to the disclosure of information by State unemployment compensation agencies. It is not applicable to State employment service agencies.

Section 603.110, *Purpose and application*, sets forth the requirement under section 3(b) of the Wagner-Peyser Act that a State agency disclose upon request certain information to various agencies administering Federally-assisted programs. The relevant agencies are:

—A public agency administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act;
—A public agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act; the programs referred to are not limited to those related to child support enforcement as in subparts C, G, and I of part 603 because section 3(b) of the Wagner-Peyser Act includes all programs of IV.D agencies; and
—Any State or local agency (as defined in 7 U.S.C. 2012(n)(1)) which is charged with the administration of the food stamp program in the State under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*). Indian tribal organizations are not included in this subpart.

Also, § 603.110 notes that the disclosure of information required by subpart L is in addition to the disclosure requirements of subparts C, implementing IEVS, F, G, I, and K. Subpart L applies only to State agencies.

Section 603.111, *Disclosure of information*, incorporating statutory language, provides that the disclosure of information be made upon request and include specific information related to unemployment compensation (language similar to present part 603) and offers of employment (as specified in the statute).

Sections 603.112, 603.113, and 603.114 address payment of costs, safeguards for disclosed information, and agreements, respectively, and make applicable by reference the requirements of the relevant sections of subpart B of part 603. Section 3(b) of the Wagner-Peyser Act does not explicitly require payment of costs, adoption of safeguards, or execution of an agreement, but these conditions are imposed under the controlling interpretation of section 303(a)(1), SSA.

Section 603.115, *Effectuating compliance*, makes applicable the substantial compliance requirements of paragraphs (b) and (c) of § 603.16 insofar as section 3(b) of the Wagner-Peyser Act imposes requirements upon State (unemployment compensation) agencies. The rationale and justification for this treatment are fully discussed in the first part of the **SUPPLEMENTARY INFORMATION** section of this preamble. The statute furnishes no effective enforcement tool applicable to State agencies.

General Comments

It is the Department's intent that these rules shall preempt any State open records or similar law that is inconsistent with them. Therefore, pending implementation of the final rule, each State should plan to review its open records law in order to amend the statute, where necessary, to ensure that the law of the State contains provisions which are interpreted and applied consistently with the requirements of part 603.

Again, pending implementation of the final rule, each State should plan to review all existing agreements with agencies, entities, or contractors requesting disclosure of information to ensure that the requirements of § 603.14 are met. For example, existing agreements required by present part 603 would be required to be changed to accord with subpart C of this part 603.

Drafting Information

This document was prepared under the direction and control of the Director, Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: 202–535–7831 (this is not a toll free number).

Classification—Executive Order 12291

The proposed rule in this document is not classified as a "major rule" under Executive Order 12291 on Federal Regulations, because it is not likely to result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets. Accordingly, no regulatory impact analysis is required.

Paperwork Reduction Act

A request to revise the approval of the information collection requirements contained in this proposed rule has been submitted to the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act of 1980, as amended. The collection requirements of present part 603 (Income and Eligibility Verification System) have been approved under control number 1205–0238, expiring August 31, 1994.

The estimated annual recordkeeping burden is approximately 32 hours per State (based on an average 8 records per State at 4 hours per record); the estimated total annual burden is 1,696

hours. Send comments regarding this burden estimate or any other aspect of this recordkeeping requirement to Mary Ann Wyrsch, Director of the Unemployment Insurance Service, Employment and Training Administration, U.S. Department of Labor, 200 Constitution Avenue, NW., room S-4231, Washington, DC 20210, and to the Office of Management and Budget, Paperwork Reduction Project (1205-0238), Washington, DC 20503.

Regulatory Flexibility Act

This proposed rule will have no "significant economic impact on a substantial number of small entities" under 5 U.S.C. 605(b). This proposed rule amends the regulations for the State Income and Eligibility Verification System and affects only the States, and State agencies, which are not within the definition of "small entity" under 5 U.S.C. 601(6). The Secretary has certified to the Chief Counsel for Advocacy of the Small Business Administration to this effect. Accordingly, no regulatory flexibility analysis is required.

List of Subjects in 20 CFR Part 603

Employment and Training Administration, Labor, and Unemployment Compensation.

Catalogue of Federal Domestic Assistance Number

This program is listed in the Catalogue of Federal Domestic Assistance at No. 17.225, Unemployment Insurance.

Words of Issuance

For the reasons set forth in the Preamble, it is proposed that part 603 of title 20, Code of Federal Regulations, be revised as set forth below.

Signed at Washington, DC on March 13, 1992.

Roberts T. Jones,

Assistant Secretary of Labor.

PART 603—FEDERAL-STATE UNEMPLOYMENT COMPENSATION PROGRAM; CONFIDENTIALITY AND DISCLOSURE OF STATE RECORDS

Authority: 42 U.S.C. 1302(a); 26 U.S.C. 7805(a); Secretary's Order No. 4-75 (40 FR 18515).

Subpart A—In General

§ 603.1 Purpose.

The regulations in this part 603:

(a) Prescribe comprehensive rules for protecting the confidentiality of State records for the purposes of the Federal-State unemployment compensation program;

(b) Define the limits on the rule of confidentiality;

(c) Set forth the statutorily required and permitted exceptions to the rule of confidentiality;

(d) Prescribe the conditions under which required and permitted disclosures may be made; the conditions include payment of costs, safeguards for disclosed information, and execution of agreements; and

(e) Set forth the processes through which the Secretary of Labor determines whether a State law fails to conform with Federal law requirements for State laws or whether a State or State agency has failed to comply substantially with

any of the requirements of applicable Federal law and this part 603.

§ 603.2 Scope.

This part 603 is a compendium of all of the requirements of statutory provisions relating to the confidentiality and disclosure of State records compiled or maintained for the purposes of the Federal-State unemployment compensation program. Part 603 is arranged in the following subparts:

(a) *Subpart A* describes the purpose and scope of part 603 and the definitions common to all subparts;

(b) *Subpart B* prescribes the rule of confidentiality, the disclosures required notwithstanding such rule, the exceptions to such rule, the conditions common to subparts B through L on disclosure of information, and the remedial processes for resolving conformity and compliance issues (section 303(a)(1) of the Social Security Act);

(c) *Subpart C* sets forth the requirements for disclosure of information under the Income and Eligibility Verification System, with references to the requirements that States have wage record systems and that claimants furnish statements regarding their social security account numbers and nationality or immigration status (section 303(f) of the Act);

(d) *Subpart D* sets forth the requirements for disclosure of information to agencies of the United States charged with the administration of public works or assistance through public employment (section 303(a)(7) of the Act);

(e) *Subpart E* sets forth the requirements for disclosure of information to the Railroad Retirement Board (section 303(c)(1) of the Act);

(f) *Subpart F* sets forth the requirements for disclosure of information to the United States Department of Agriculture and State food stamp agencies, with reference to the intercept of unemployment compensation to cover food stamp overissuances (section 303(d) of the Act);

(g) *Subpart G* sets forth the requirements for disclosure of information to State and local governmental child support enforcement agencies with reference to the intercept of unemployment compensation to cover child support obligations (section 303(e) of the Act);

(h) *Subpart H* sets forth the requirements for disclosure of information necessary to effect interstate offset and cross-program offset of overpayments (section 303(g) of the Act);

(i) *Subpart I* sets forth the requirements for disclosure of information to the Secretary of the United States Department of Health and Human Services for the purposes of the child support enforcement program (section 303(h) of the Act);

(j) *Subpart J* sets forth the requirements for disclosure of information to the United States Department of Housing and Urban Development and public housing agencies, with references to protection for applicants and recipients and applicable criminal penalties and civil actions for improper disclosures (section 303(i) of the Act);

(k) *Subpart K* sets forth the requirements for disclosure of information to public agencies which administer the Federally-assisted program of aid to families with dependent children (section 3304(a)(16) of the Federal Unemployment Tax Act);

(l) *Subpart L* sets forth the requirements for disclosure of information to public agencies administering programs under parts A and D of title IV of the Social Security Act and the Food Stamp Act (section 3(b) of the Wagner-Peyser Act).

§ 603.3 Definitions.

For the purposes of this part 603:

(a) *Compensation* and *unemployment compensation* mean cash benefits payable to individuals with respect to their unemployment.

(b) *Department* means the United States Department of Labor and, within the Department, the Employment and Training Administration and the Bureau of Labor Statistics.

(c) *Records* means all information in the files of a State agency, or, in the case of wage information, files accessible by the State agency as required by section 1137(a)(3) of the Social Security Act, 42 U.S.C. 1320b–7(a)(3): Provided, that, for the purposes of subpart B of this part 603, the term "records" also means all information in any other files of the executive branch of the State Government which relate to the administration of the State law.

(d) *Request* means a written request from an authorized official of a Federal, State, or local governmental agency requesting information contained in the records of a State agency.

(e) *Secretary* means the Secretary of Labor, the cabinet officer heading the United States Department of Labor.

(f) *State* means one of the States of the United States of America, the District of Columbia, the Commonwealth of Puerto Rico, and the United States Virgin Islands.

(g) *State agency* means the agency charged with the administration of the State unemployment compensation law which has been approved under section 3304(a) of the Internal Revenue Code of 1986 (26 U.S.C. 3304(a)).

(h) *State law* means the unemployment compensation law of a State, approved under section 3304(a) of the Internal Revenue Code of 1986 (26 U.S.C. 3304(a)).

(i) *Wage information* means information contained in the records of a State agency concerning—

(1) The wages paid to an individual,

(2) The social security account number (or numbers, if more than one) of such individual, and

(3) The name, address, State, and the Federal employer identification number of the employer who paid such wages to such individual.

Subpart B—Confidentiality Requirement of Section 303(a)(1) of the Social Security Act

§ 603.10 Purpose and application.

(a) *Purpose.* The regulations in this subpart B set forth the Department of Labor's interpretation of the "methods of administration" requirements of section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1)), as such requirements concern the confidentiality of information in the records of a State or State agency relating to the administration of the State law.

(b) *Application.* This subpart B applies to each State agency, and to the executive branch of the State Government of each State.

§ 603.11 Interpretation and application.

(a) *Interpretation and application of section 303(a)(1).* (1) *Statute.* Section 303(a)(1) of the Social Security Act (42 U.S.C. 503(a)(1)) provides that, for the purposes of certification of payment of granted funds to a State under section 302(a) (42 U.S.C. 502(a)), the State law of the State shall include provision for "[s]uch methods of administration * * * as are found by the Secretary of Labor to be reasonably calculated to insure full payment of unemployment compensation when due * * *".

(2)(i) *Interpretation.* Section 303(a)(1) of the Social Security Act is interpreted by the Department as requiring that the "methods of administration" that are reasonably calculated to insure the full payment of unemployment compensation when due must include provision for—

(A) Maintaining the absolute confidentiality of all information of whatever kind or form in the records of

a State agency (or in any other files of the executive branch of the State Government) which pertain to the State law or the administration thereof, and barring the disclosure of any such information to all persons, organizations, and entities whatever, except as disclosure may be required or permitted in accordance with any other provision of this section, and

(B) The mandatory disclosure to claimants and potential claimants for compensation, and to employers and employing units, of all information in the records of a State or State agency, but only to the extent that such disclosure will reasonably afford such claimants and employers the opportunity to know, establish, and protect their rights and meet their responsibilities under the State law, and such disclosure as is required in accordance with any other provisions of this section.

(ii) *Application.* Each State law must contain provisions which are interpreted and applied consistently with the interpretations in this paragraph (a)(2), and provide for penalties for any disclosure of information which is inconsistent with any provision of this section by any official or employee of the State or State agency, or contractor, or by any other person, organization, or entity. The requirements of this clause (ii) will be deemed to be met if the State law and administration fully accord with these requirements, and there is no other law of the State that is construed as requiring or authorizing a different or conflicting result.

(b) *Interpretative rule inapplicable.* The rule of confidentiality specified in paragraph (a)(2)(i)(A) of this section shall be deemed to be inapplicable, and section 303(a)(1) of the Social Security Act is interpreted as requiring disclosure of all relevant information in the following circumstances:

(1) *State agency.* (i) *In general.* Disclosure of information to or by officials and employees of the State and State agency, shall be required to the extent that such disclosure is necessary for the proper administration of the State law.

(ii) *Definition.* The phrase "officials and employees of the State and State agency" means and includes only those public officials and public employees of the executive branch of the State government engaged in the administration or enforcement of the State law, and to the extent that officials and employees of political subdivisions of the State are involved in the enforcement of the State law such phrase also includes such local governmental officials and employees.

(2) *Judicial and quasi-judicial proceedings.* Disclosure of information by all officials and employees of the State and State agency shall be required to be made for the record in any judicial or quasi-judicial proceedings under the State law, including first and second stage appeals, to the extent that such disclosure is necessary to a full development of the facts on the issues in any such proceeding and to enable the presider to make an informed decision on the merits. Any information so disclosed, and made a part of the record in any such proceedings, shall not thereafter be subject to the rule of confidentiality as set forth in paragraph (a)(2)(i)(A) of this section.

(3) *Other agencies.* (i) *In general.* Disclosure of information to officials and employees of other State, local, and Federal agencies shall be required to the extent that such disclosure is necessary for the proper administration of the State law. For the purposes of this paragraph (b)(3), disclosures to Federal agencies—

(A) Shall include disclosure of information to the United States Immigration and Naturalization Service relative to the verification of immigration status as required by section 1137(d) of the Social Security Act, and

(B) May include disclosure of information or certifications requested or required by the Internal Revenue Service of the United States Department of the Treasury for any of the purposes of administration or enforcement of Chapter 23 of the Internal Revenue Code of 1986.

(ii) *Definition.* The phrase "other State, local, and Federal agencies" includes other agencies of the State Government or of another State (including the State agency of another State), local governmental agencies of the State, and any Federal agency.

(4) *Claimants and employers.* In addition to the disclosure of information required by paragraph (a)(2)(i)(B) of this section, disclosure of information to claimants and potential claimants for compensation, and to employers and employing units, shall be required to the extent that such disclosure is necessary for the proper administration of the State law, except that, as provided in paragraph (a)(2)(ii) of this section, employers and employing units may not disclose or redisclose the name or any identifying particular about a claimant or potential claimant for compensation for any purpose other than the administration of the State law.

(5) *Department of Labor.* (i) *In general.* The rule of confidentiality specified in paragraph (a)(2)(i)(A) of this section shall have no applicability to the Department concerning any information requested or required under—

(A) Title III, VII, IX, XI, or XII of the Social Security Act, and chapter 23 (FUTA) of the Internal Revenue Code of 1986,

(B) Parts 601 through 608 and parts 615, 616, 640, and 650 of this chapter, and any subsequently added parts of this chapter pertaining to the Federal-State unemployment compensation program,

(C) Parts 31, 32, 93, 96, 97, and 98 of title 29 of the Code of Federal Regulations, and any subsequently added parts of such title 29 which are applicable to the Federal-State unemployment compensation program, or

(D) Section 3(b) of the Wagner-Peyser Act (29 U.S.C. 49b(b)),

for any of the purposes of the Federal-State unemployment compensation program, or with respect to any information the Department deems necessary to assure the correctness or verification of any such information requested or required for any such purpose.

(ii) *Definition.* For the purposes of this paragraph (b)(5) the term "Department" includes the Department (as defined at § 603.3(b)), the Inspector General for the Department, the Comptroller General of the United States, and any contractor for the Department or the Inspector General.

(iii) *Bureau of Labor Statistics.* None of the provisions of this Subpart B shall be applicable to any information obtained solely for the purposes of cooperative agreements entered into with the Bureau of Labor Statistics under the authority of 29 U.S.C. 2 and Secretary's Order No. 39–72.

(c) *Exceptions.* (1) *Optional.* (i) *In general.* (A) As an exception to the rule of confidentiality specified in paragraph (a)(2)(i)(A) of this section, the Department interprets section 303(a)(1) of the Social Security Act as not precluding the disclosure, upon request, of any information in the records of a State or State agency to any public official (other than a public official of a State, local, or Federal agency referred to in paragraph (b)(1) or (b)(3) of this section) for use in the performance of such public official's duties, and for a purpose which does not involve administration or enforcement of the State law, but only if—

(*1*) Disclosure of the specific information requested in any case is authorized by the State law, and

(*2*) The State or State agency determines in any case that such

disclosure would not violate any other law of the State which is consistent with this section, or that such disclosure would not significantly hinder or delay the processing of claims for compensation or significantly hinder other activities of the State agency, or that such disclosure would not impede the efficient administration of the State law.

(B) (*1*) The term "public official" as used in this paragraph (c)(1)(i) means only public officials in the executive branch of Federal, State, or local government, but such term may also be deemed to include the officials of a public agency or service delivery area for the purposes of administration of the Job Training Partnership Act (29 U.S.C. 1501 *et seq.*).

(*2*) The phrase "for use in the performance of such public official's duties" as used in this paragraph (c)(1)(i) means that the disclosed information may be used by the public official solely for official business in connection with a law being administered or enforced by such public official.

(ii) *Contractor of State or State agency.* As a further exception to the rule of confidentiality specified in paragraph (a)(2)(i)(A) of this section, the Department interprets section 303(a)(1) of the Social Security Act as not precluding the disclosure of information in the records of a State or State agency to an individual, organization, company, or an agency for the purpose of the administration or enforcement of the State law, but only if—

(A) Disclosure of the specific information involved is authorized by the State law, and

(B) Solely to the extent that such disclosure is necessary and proper to effectuate a contract by the State or State agency with such individual, organization, company, or an agency that is fundable from funds granted under section 302(a) of the Social Security Act (42 U.S.C. 502(a)).

(2) *Mandatory.* Various statutory provisions in section 303 of the Social Security Act, section 3304(a)(16) of the Internal Revenue Code of 1986, and section 3(b) of the Wagner-Peyser Act, explicitly require the disclosure to certain public officials of specified information in the records of each State agency. All of these statutory disclosure provisions stand as exceptions to the rule of confidentiality as specified in paragraph (a)(2)(i)(A) of this section, and all of them are fully set forth in the following subparts of this part 603. The disclosure of any information in the records of a State agency to any public official, beyond that which is specifically required by any of the following subparts of this part 603, may be made only if it is consistent with the optional provisions of clause (1)(i) of this paragraph (c) and the other terms and conditions of this subpart B.

(d) *Conditions on disclosures.* (1) *In general.* (i) Any disclosure of information referred to in paragraph (b) of this section shall be made without regard to § 603.12 (relating to payment of costs), § 603.13 (relating to safeguards), and § 603.14 (relating to agreements).

(ii) Any disclosure of information referred to in paragraph (f) of this section may similarly be made without regard to §§ 603.12, 603.13, and 603.14, except that, in the case of any disclosure made to anyone who is not a claimant or employer referred to in paragraph (a)(2)(i)(B) or paragraph (b)(4) of this section, or in the case of any disclosure which is not made in the course of the administration of the State law, the State agency may require payment of its costs of making the disclosure.

(2) *Optional disclosures.* (i) Any disclosure of information to a public official which is referred to in paragraph (c)(1)(i) of this section shall be made upon the terms and conditions as set forth therein and in §§ 603.12, 603.13, and 603.14.

(ii) Any disclosure of information to a State or State agency contractor which is referred to in paragraph (c)(1)(ii) of this section shall be made upon the terms and conditions as set forth therein and in §§ 603.13 and 603.14, but may be made without requiring payment of costs as provided in § 603.12.

(3) *Mandatory disclosures.* Any mandatory disclosure of information which is referred to in paragraph (c)(2) of this section shall be made solely upon the terms and conditions as set forth in the applicable subpart of this part 603.

(e) *Subpoenas.* Whenever a subpoena or other compulsory process of a lawful authority is served upon a State agency or the State, or any official or employee thereof, which requires the production of records or appearance for testimony upon any matter concerning administration of the State law, the State or State agency shall file and pursue diligently in the appropriate court a motion to quash the subpoena or other compulsory process. Only if such motion is denied, after a hearing in the court appropriate to the case, may the information be disclosed, and only upon such terms as the court may order, including payment of costs to the State agency and the State.

(f) *Information in the public domain.* The rule of confidentiality in paragraph (a)(2)(i)(A) of this section shall not be deemed to be applicable to information in the public domain, which shall include—

(1) Information as to the organization of the State and the State agency, the officials and employees thereof, and appellate authorities,

(2) Information as to State law (and applicable Federal law) provisions, rules, regulations, and interpretations thereof, including statements of general policy and interpretations of general applicability, and determinations and decisions on coverage of employers, employment, and wages,

(3) Any agreement of whatever kind or nature, including interstate arrangements and reciprocal agreements and any agreement with the Department or the Secretary, relating to the administration of the State law, and

(4) Any other information or data in statistical or other general form (including charts and tables) which pertains to claims filed, benefits paid, contributions or payments in lieu of contributions, or the State unemployment fund, a Federal account, or any other special fund or account, so long as any such disclosure does not in any manner reveal the name or any identifying particular about any past or present claimant for compensation or any past or present employer or employing unit, but a State agency may decline to disclose any such information in the public domain (except to claimants and employers as provided in paragraphs (a)(2)(i)(B) and (b)(4) of this section) if the State agency determines in any case that such disclosure would violate any other law of the State which is consistent with this section, or that such disclosure would significantly hinder or delay the processing of claims for compensation or significantly hinder other activities of the State agency, or that such disclosure would impede the efficient administration of the State law.

§ 603.12 Payment of costs.

(a) *In general.* (1) Granted funds paid to a State under section 302(a) of the Social Security Act may be used to pay all costs of disclosures referred to in paragraphs (a)(2)(i) (B) and (b) of § 603.11, and for any other disclosures referred to in paragraph (c)(1) (ii) or (f) for which the costs are not charged to the recipient in accordance with § 603.11.

(2) Granted funds paid to a State under section 302(a) of the Social Security Act may not be used to pay any of the costs of making a disclosure referred to in paragraph (c)(1)(i) of § 603.11, except that payment of costs may be waived in the case of a single, isolated request for disclosure of

information if not more than an incidental amount of staff time and no more than nominal processing costs are involved in making the disclosure.

(3) Except as provided in paragraphs (a) (1) and (2) of this section, granted funds may not be used to pay any of the costs of making any disclosure.

(b) *Calculation of costs.* The costs to a State or State agency of processing and handling a request for disclosure of information shall be calculated in accordance with the cost principles and administrative requirements of 29 CFR part 97 and Office of Management and Budget Circular No. A–87. For the purpose of calculating such costs, any initial start-up costs incurred by the State agency in preparation for making the requested disclosure(s) shall be charged to and paid by the recipient. Postage or other delivery costs incurred in making any disclosure shall be considered part of the costs of making the disclosure. Penalty mail, as defined in 39 U.S.C. 3201(1), may not be used in any circumstances to transmit information being disclosed, except information referred to in paragraph (b), (c)(1)(ii), or (f) of § 603.11.

(c) *Payment of costs.* The costs to a State or State agency of making a disclosure of information, calculated in accordance with paragraph (b) of this section, shall be paid by and collected from the recipient of the information either in advance or by way of reimbursement, but if the recipient is not a public official such costs, except for good reason, must be paid and collected in advance. For the purposes of this paragraph (c), payment in advance means full payment of all costs before or at the time the disclosed information is given in hand or sent to the recipient.

§ 603.13 Safeguards for disclosed information.

(a) *In general.* With respect to disclosures of information referred to in paragraph (c)(1) of § 603.11, a State or State agency shall require the recipient to safeguard the information disclosed against unauthorized access or redisclosure, as provided in paragraphs (b) and (c) of this section, and subject to penalties provided by the State law for unauthorized disclosure of information. Such safeguards shall also be required to protect the confidentiality of all information obtained by a contractor of a State or State agency from any other source in the execution of a contract.

(b) *Recipient.* (1) The information referred to in paragraph (a) of this section shall be permitted to be used by the recipient only to the extent necessary to further the valid purposes of the recipient in discharging his or her lawful responsibilities, and may be redisclosed by the recipient only as provided for in paragraph (c) of this section.

(2) The recipient shall be prohibited from using the information for any purpose not specifically authorized by an agreement that meets the requirements of § 603.14.

(3) The information shall be required to be stored in a place physically secure from access by unauthorized persons.

(4) Information in electronic format, such as magnetic tapes or discs, shall be required to be stored and processed in such a way that unauthorized persons cannot obtain the information by any means.

(5) Precautions shall be required to be taken to insure that only authorized personnel are given access to information stored in computer systems.

(6) The head of each recipient agency or entity shall be required to—

(i) Instruct all personnel having access to the information regarding confidentiality requirements, the requirements according with this subpart B, and the sanctions specified in the State law for unauthorized disclosure of information, and

(ii) Sign an acknowledgment on behalf of the recipient agency or entity attesting that all personnel having access to the information have been instructed in accordance with paragraph (b)(6)(i) of this section and will adhere to the State's or State agency's confidentiality requirements and procedures which are consistent with this subpart B and the agreement required by § 603.14, and agreeing to report any infraction of these rules to the State agency fully and promptly.

(7) The information disclosed or obtained, and any copies thereof made by the recipient agency, entity, or contractor, shall be disposed of after the purpose for which the information is disclosed is served, except for information in the record of any court of record. Disposal means return of the information to the disclosing State or State agency or destruction of the information, as directed by the State or State agency. Disposal includes deletion of personal identifiers by the State or State agency in lieu of destruction. In any case, the information disclosed shall not be archived or sent to a records center, and shall not be retained with personal identifiers for longer than ten years after receipt of the information.

(c) *Redisclosure of information.* Any recipient of information referred to in paragraph (a) of this section shall be authorized to redisclose the information solely as follows:

(1) To the individual or employer who is the subject of the information;

(2) To an attorney or other duly authorized agent representing the individual or employer;

(3) In any civil or criminal proceedings for or on behalf of a recipient agency or entity, if provision for such redisclosure is authorized under the State law and the agreement required by § 603.14; and

(4) In response to a subpoena only after a motion to quash is denied as provided in § 603.11(e).

§ 603.14 Agreements and contracts.

(a) *Requirement.* A State or State agency shall enter into a written agreement with the head of any agency or entity intending to request disclosure(s) of information, and shall enter into a written contract with any contractor to whom any information may be disclosed or who may obtain information from any other source, which is subject to the confidentiality requirements of this subpart B.

(b) *Contents of agreement or contract.* Any agreement or contract required by paragraph (a) of this section shall include, but need not be limited to, the following terms and conditions:

(1) The purposes for which the information will be requested, or furnished, and the specific information to be requested, furnished, or obtained.

(2) Identification of all officials and employees, by position, with authority to request, receive, or obtain information;

(3) The methods and timing of requests for information, including the format to be used, and the period of time needed to furnish or obtain the information;

(4) The basis for establishing the reporting periods for which information will be furnished or obtained;

(5) Provisions for paying the State agency for any costs of furnishing information, as referred to in § 603.12;

(6) Provisions for safeguards of information disclosed or obtained, as referred to in § 603.13; and

(7) Provision for on-site inspections of the agency, entity, or contractor, to assure that the requirements of the State's law and the agreement or contract required by this section are being met.

(c) *Breach of agreement or contract.* (1) *In general.* If an agency, entity, or contractor, or any official, employee, or agent thereof, fails to comply with any provision of an agreement or contract required by this section, including timely payment of the State's or State agency's costs billed to the agency, entity, or contractor, the agreement or contract

shall be suspended, and further disclosure of information (including any disclosure being processed) to such agency, entity, or contractor is prohibited, until the State or State agency is satisfied that corrective action has been taken and there will be no further breach of the agreement or contract. In the absence of prompt and satisfactory corrective action, the agreement or contract shall be cancelled, and the agency, entity, or contractor shall be required to surrender to the State or State agency all information (and copies thereof) obtained under the agreement or contract which has not previously been furnished to the State or State agency, and any other information relevant to the agreement or contract.

(2) *Enforcement.* In addition to the actions required to be taken by paragraph (c)(1) of this section, the State or State agency shall undertake any other action under the agreement or contract, or under any law of the State or of the United States, to enforce the agreement or contract and secure satisfactory corrective action or surrender of information, and shall take other remedial actions to effect adherence to the requirements of this subpart B, including seeking damages, penalties, and restitution for any charges to granted funds and all costs incurred by the State or the State agency in pursuing the breach of the agreement or contract and enforcement as required by this paragraph (c).

§ 603.15 Notification to claimants and employers.

(a) *Claimants.* Every claimant for compensation shall be notified, at the time of filing an initial claim for compensation, and periodically thereafter, through a written statement on or provided with the initial claim form, that information in the records of the State and State agency pertaining to the claimant may be requested and utilized as provided by paragraphs (b) and (c) of § 603.11 and subparts C through L of this part 603.

Provision of a printed notice on or attached to subsequent additional claims will satisfy the requirement for periodic notice thereafter.

(b) *Employers.* Every employer subject to a State's law shall be notified, through a written statement on or provided with the employer's quarterly wage report form or reimbursement billing, that wage information, as defined in § 603.3(i), and other information pertaining to the employer may be requested and utilized as provided by paragraphs (b) and (c) of § 603.11 and subparts C through L of this part 603.

§ 603.16 Effectuating conformity and compliance.

(a) *Conformity.* Pursuant to section 303(b) of the Social Security Act (42 U.S.C. 503(b)) and § 601.5(a) of this chapter, whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency of a State, finds that the State law fails to conform with any of the requirements of section 303(a)(1) of the Act as provided in this subpart B, the Secretary shall notify the Governor of the State and such State agency that further payments for the administration of the State law will not be made to the State until the Secretary is satisfied that there is no longer any such failure. Until the Secretary is so satisfied, the Department shall withhold certification of further payments to such State. Section 304 of the Act (42 U.S.C. 504) shall be applicable to any finding made pursuant to this paragraph (a).

(b) *Compliance.* Pursuant to section 303(b) of the Social Security Act and § 601.5(a) of this chapter, whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency of a State, finds that the State or the State agency has failed to comply substantially with any of the requirements of section 303(a)(1) of the Act as provided in this subpart B, the Secretary shall notify the Governor of the State and such State agency that further payments for the administration of the State law will not be made to the State until the Secretary is satisfied that there is no longer any such failure to comply. Until the Secretary is so satisfied, the Department shall withhold certification of further payments to such State. Section 304 of the Act shall be applicable to any finding made pursuant to this paragraph (b).

(c) *Resolving issues.* For the purposes of resolving conformity and compliance issues, the provisions of paragraphs (a)(1), (a)(4), (b), and (d) of § 601.5 of this chapter shall apply.

Subpart C—Income and Eligibility Verification System

§ 603.20 Purpose and application.

(a) *Purpose.* The regulations in this subpart C implement section 303(f) of the Social Security Act, 42 U.S.C. 503(f). Section 303(f) of the Act requires States to have in effect an income and eligibility verification system, which meets the requirements of section 1137 of the Act, 42 U.S.C. 1320b–7, pursuant to which information is requested and exchanged for the purpose of verifying eligibility for, and the amount of, benefits available under several Federally-assisted programs including the Federal-State unemployment compensation program.

(b) *Application.* This subpart C applies only to a State agency.

(Note: Section 1137(a)(1) of the Social Security Act provides that each State shall require claimants for compensation to furnish to the State agency their social security account numbers, as a condition of eligibility for compensation, and further requires that the States shall utilize such account numbers in the administration of the State laws. Section 1137(a)(3) of the Act further provides that employers are required to make quarterly wage reports to a State agency, or an alternative agency, for use in verifying eligibility for, and the amount of, benefits. Section 1137(d)(1) of the Act further provides that each State shall require claimants for compensation, as a condition of eligibility, to declare in writing, under penalty of perjury, whether or not the individual is a citizen or national of the United States, and, if not, that the individual is in a satisfactory immigration status. Administration of this requirement will necessarily involve the disclosure of information (in the records of a State agency) which is incidental to the disclosure of information referred to in subpart C. Other provisions of section 1137(d) of the Act require the States to obtain, and individuals to furnish, documentation relevant to immigration status, and require the States to verify immigration status with the United States Immigration and Naturalization Service. Disclosure for this purpose is governed by § 603.11(b)(3)(i)(A) and is incidental to the disclosure of information required in accordance with subpart C.)

§ 603.21 Definitions.

For the purposes of this subpart C:

(a) *Claim information* means information contained in the records of a State agency concerning:

(1) Whether an individual is receiving, has received, or has applied for unemployment compensation;

(2) The amount of compensation the individual is receiving or is entitled to receive;

(3) The individual's current (or most recent) home address; and

(4) Whether the individual has refused an offer of work and, if so, a description of the job offered including the terms, conditions, and rate of pay.

(5) Any other information contained in the records of the State agency which is needed by the requesting agency to verify eligibility for, and the amount of, benefits.

(b) *Requesting agency* means:

(1) *Aid to Families with Dependent Children.* Any State or local agency charged with the responsibility of administering the provisions of the Aid to Families with Dependent Children

program under a State plan approved under part A of title IV of the Social Security Act. (Disclosure to any such agency as a requesting agency under this subpart C is in addition to the disclosure requirements under subparts K and L of this part 603.)

(2) *Medicaid.* Any State or local agency charged with the responsibility of administering the provisions of the Medicaid program under a State plan approved under title XIX of the Social Security Act.

(3) *Food Stamps.* Any State or local agency charged with the responsibility of administering the provisions of the Food Stamp Program under the Food Stamp Act of 1977. (Disclosure to any such agency as a requesting agency under this subpart C is in addition to the disclosure requirements under subparts F and L of this part 603.)

(4) *Other Social Security Act Programs.* Any State or local agency charged with the responsibility of administering a program under a State plan approved under title I, X, XIV, or XVI of the Social Security Act.

(5) *Child Support Enforcement.* Any State or local child support enforcement agency charged with the responsibility of enforcing child support obligations under a plan approved under part D of title IV of the Social Security Act. (Disclosure requirements under this subpart C for purposes of child support enforcement are in addition to disclosure of information requirements under subparts G, I, and L.)

(6) *Health and Human Services.* The Secretary of Health and Human Services in establishing or verifying eligibility or benefit amounts under titles II and XVI of the Social Security Act.

(c) *Wage information.* Has the same meaning as such term as defined in § 603.3(i).

§ 603.22 Notification to claimants and employers.

Every claimant for compensation and employer shall be furnished the notification required by § 603.15.

§ 603.23 Disclosure of information.

(a) *Disclosure of information.* Each State agency shall disclose, upon request, to any requesting agency, as defined in § 603.21(b), and which has entered into an agreement referred to in § 603.27, wage and claim information contained in the records of such State agency.

(b) *Format.* Standardized formats established by the Secretary of Health and Human Services (in consultation with the Secretary of Agriculture) and defined in 42 CFR 435.960 will be adhered to by the State agency.

§ 603.24 Obtaining information from other agencies and crossmatching with wage information.

(a) *Crossmatch with information from requesting agencies.* Each State agency shall obtain such information from the Social Security Administration and any requesting agency as may be needed in verifying eligibility for, and the amount of, compensation payable under the State law.

(b) *Crossmatch of wage and benefit information.* To the extent that such information shall be determined likely to be productive in identifying ineligibility for benefits and preventing incorrect payments, the State agency shall crossmatch quarterly wage information with unemployment compensation payment information.

(c) *Amplification on compliance requirements.* To the extent necessary, the Department, pursuant to section 1137(a)(2) of the Social Security Act, will amplify on the requirements for State compliance with this section in instructions issued and published for comment in the **Federal Register.**

(Approved by the Office of Management and Budget under control number 1205–0238)

§ 603.25 Payment of costs.

As a condition for receiving information referred to in § 603.23, any Federal, State, or local agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.26 Safeguards for disclosed information.

Each State agency shall establish safeguards, as required by section 1137(a)(5) of the Social Security Act and set forth in § 603.13, to insure that information disclosed as required by § 603.23 is used only for the purpose for which the information was disclosed.

§ 603.27 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.23, each State agency shall enter into a written agreement with any requesting agency (as defined in § 603.21(b)) intending to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement. The requirements of this paragraph (a) also shall apply to any requesting agency in another State which intends to request information referred to in § 603.24 and required to be disclosed by a State agency.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.28 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart C, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(f) of the Social Security Act as provided in this subpart C, except that any action under this section shall be based upon section 303(f) of the Act, § 601.5(a) of this chapter, and this subpart C.

Subpart D—Disclosure of Information to Agencies Charged With the Administration of Public Works or Assistance Through Public Employment

§ 603.30 Purpose and application.

(a) *Purpose.* The regulations in this subpart D implement section 303(a)(7) of the Social Security Act, which requires a State law to provide that certain information contained in a State agency's records shall be made available to any agency of the United States charged with the administration of public works or assistance through public employment.

(b) *Application.* This subpart D applies only to a State agency.

§ 603.31 Disclosure of information.

Each State agency shall make available, upon request, to any agency of the United States charged with the administration of public works or assistance through public employment, with respect to each recipient of unemployment compensation, information from its records concerning such recipient's—

(a) Name,

(b) Address,

(c) Ordinary occupation,

(d) Employment status, and

(e) A statement of such recipient's rights to further compensation under the State law.

§ 603.32 Payment of costs.

As a condition for receiving information referred to in § 603.31, any agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this

section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.33 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.33 is used only for the purpose for which the information was disclosed.

§ 603.34 Agreements.

(a) *Agreement required.* Prior to disclosing information to an agency of the United States, as required by § 603.31, each State agency shall enter into a written agreement with that Federal agency, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.35 Effectuating conformity and compliance.

Whenever the Department has reason to believe that an issue of conformity or compliance has arisen under this subpart D with respect to a State or a State agency, the provisions of paragraphs (a), (b), and (c) of § 603.16 will apply for the purposes of effecting conformity and compliance with the requirements of section 303(a)(7) of the Social Security Act as provided in this subpart D.

Subpart E—Disclosure of Information to the Railroad Retirement Board

§ 603.40 Purpose and application.

(a) *Purpose.* The regulations in this subpart E implement section 303(c)(1) of the Social Security Act, which requires that a State agency shall provide certain information contained in the State agency's records to the Railroad Retirement Board.

(b) *Application.* This subpart E applies only to a State agency.

§ 603.41 Disclosure of information.

Each State agency shall, upon request, make available information from, and furnish copies of, its records to the Railroad Retirement Board as the Board deems necessary for its purposes.

§ 603.42 Payment of costs.

As a condition for receiving information referred to in § 603.41, the Railroad Retirement Board shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.43 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.41 is used only for the purpose for which the information was disclosed.

§ 603.44 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.41, each State agency shall enter into a written agreement with the Railroad Retirement Board, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.45 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart E, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(c)(1) of the Social Security Act as provided in this subpart E, except that any action under this section shall be based upon section 303(c) of the Act, § 601.5(a) of this chapter, and this subpart E.

Subpart F—Disclosure of Information to the Department of Agriculture and State Food Stamp Agencies

§ 603.50 Purpose and application.

(a) *Purpose.* (1) *Disclosure.* The regulations in this subpart F implement section 303(d)(1) of the Social Security Act, which requires that a State agency disclose certain information contained in the State agency's records to officers and employees of the Department of Agriculture and to officers or employees of any State food stamp agency for purposes of determining an individual's eligibility for benefits, or the amount of benefits, under the food stamp program established under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*).

(2) *Notification.* The regulations in this subpart F also implement section 303(d)(2)(B) of the Social Security Act, which permits the State agency to notify the State food stamp agency of any individual who discloses on a new unemployment compensation claim that he or she owes an uncollected overissuance (as defined in 7 U.S.C. 2022(c)(1)) of food stamp coupons.

(Note: The regulations in this subpart do not implement clauses (i), (iii), and (iv) of section 303(d)(2)(B) of the Social Security Act which relate, respectively, to the disclosure by an individual to the State agency of such uncollected overissuance, to the deduction and withholding from unemployment compensation of money to satisfy such an obligation, and to the payment of the amount deducted and withheld to the appropriate State food stamp agency, except as the latter involves the disclosure of information.)

(3) *Cross-reference.* Disclosure of information required by this subpart F is in addition to the disclosure requirements of subparts C and L.

(b) *Application.* This subpart F applies only to a State agency.

§ 603.51 Definition.

For purposes of this subpart F, "State food stamp agency" means any State or local agency described in 7 U.S.C. 2012(n)(1) which administers the food stamp program established under the Food Stamp Act of 1977.

§ 603.52 Disclosure of information.

(a) *Disclosure.* Each State agency shall disclose, upon request, to officers and employees of the Department of Agriculture and to officers or employees of any State food stamp agency any of the following information contained in the records of the State agency—

(1) Wage information (as defined in § 603.(i)),

(2) Whether an individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received (or to be received) by such individual,

(3) The current (or most recent) home address of such individual,

(4) Whether an individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor, and shall disclose any information required to be disclosed in connection with the transmittal of withheld compensation in accordance with section 303(d)(2)(B)(iv) of the Social Security Act.

(b) *Notification.* A State agency which requires each new applicant for compensation to disclose whether the applicant owes an uncollected overissuance of food stamp coupons (as permitted by section 303(d)(2)(B)(i) of the Social Security Act) may notify the State food stamp agency (to which the uncollected overissuance is owed) that

any individual who discloses such a debt has been determined to be eligible for unemployment compensation (if such determination has been made by the State agency).

§ 603.53 Payment of costs.

As a condition for receiving information referred to in § 603.52, any Federal, State, or local agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.54 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.52 is used only for the purpose for which the information was disclosed.

§ 603.55 Agreements.

(a) *Agreement required.* Prior to disclosing information pursuant to § 603.52, the State agency shall enter into a written agreement with the Department of Agriculture and any State food stamp agency intending to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.56 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart F, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(d) (1) and (2) of the Social Security Act as provided in this subpart F. Any action under this section to effect compliance with the requirements of section 303(d) (1) and (2) shall be based upon section 303(d)(3) of the Act, § 601.5(a) of this chapter, and this subpart F.

Subpart G—Disclosure of Information to State or Local Child Support Enforcement Agencies

§ 603.60 Purpose and application.

(a) *Purpose.* (1) *Disclosure.* The regulations in this subpart G implement section 303(e)(1) of the Social Security Act, which requires that a State agency disclose certain information contained in the State agency's records directly to officers or employees of any State or local child support enforcement agency for purposes of establishing and collecting child support obligations from, and locating, individuals owing such obligations.

(2) *Notification.* The regulations also implement section 303(e)(2)(A) of the Social Security Act which requires that the State agency notify the State or local child support enforcement agency of any individual who discloses on a new unemployment compensation claim that he or she owes child support obligations, that the individual has been determined to be eligible for unemployment compensation if such determination has been made by the State agency.

(Note: The regulations in this subpart do not implement clauses (i), (iii), and (iv) of section 303(e)(2)(A) of the Social Security Act which relate, respectively, to the requirement that an individual disclose that he or she owes child support obligations, to the deduction and withholding from unemployment compensation of money to satisfy such obligations, and to the payment of the amount deducted and withheld to the appropriate State or local child support enforcement agency, except as the latter involves disclosure of information.)

(3) *Cross-reference.* Disclosure of information required by this subpart G is in addition to the disclosure requirements of subparts C, I, and L.

(b) *Application.* This subpart G applies only to a State agency.

§ 603.61 Definitions.

For purposes of this subpart G—

(a) "Child support obligations" only includes child support obligations which are being enforced pursuant to a plan described in section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under part D of title IV of the Act, and

(b) "State or local child support enforcement agency" means any agency of a State or political subdivision thereof operating pursuant to a plan described in section 454 of the Social Security Act which has been approved by the Secretary of Health and Human Services under part D of title IV of the Act.

§ 603.62 Disclosure of information.

(a) *Disclosure.* Each State agency shall disclose, upon request, directly to officers or employees of any State or local child support enforcement agency any wage information (as defined in § 603.3(i)) contained in the records of the State agency, and shall disclose any information required to be disclosed in connection with the transmittal of withheld compensation in accordance with section 303(e)(2)(A)(iv) of the Social Security Act.

(b) *Notification.* The State agency shall notify the State or local child support enforcement agency, with respect to any individual who discloses on a new unemployment compensation claim that he or she owes child support obligations, that the individual has been determined to be eligible for unemployment compensation (if such determination has been made by the State agency).

§ 603.63 Payment of costs.

As a condition for receiving information referred to in § 603.62, any agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.64 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.62 is used only for the purpose for which the information was disclosed.

§ 603.65 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.62, each State agency shall enter into a written agreement with any State or local child support enforcement agency intending to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.66 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart G, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(e) (1) and (2) of the Social Security Act as provided in this subpart G. Any action under this section to effect compliance with the requirements of section 303(e) (1) and (2) shall be based upon section

303(e)(3) of the Act, § 601.5(a) of this chapter, and this subpart G.

Subpart H—Disclosure of Information Related to Recovery of Overpayments

§ 603.70 Purpose and application.

(a) *Purpose.* (1) *In general.* The regulations in this subpart H govern the disclosure of information required in carrying out the interstate offset and cross-program offset agreements which are authorized by section 303(g) of the Social Security Act. Under section 303(g) of the Act, States are permitted to withhold unemployment compensation payable under State laws to recover overpayments of benefits made to individuals by other States. Also, an overpayment of State unemployment compensation may be recovered from a payment made under a Federal unemployment benefit or allowance program if the State has entered into an agreement with the Secretary of Labor under section 303(g)(2) of the Act, pursuant to which it may recover overpayments of State benefits from payments made under a Federal unemployment benefit or allowance program if it reciprocally recovers overpayments made under Federal unemployment benefit or allowance programs from State payments. Specifically, this section permits interstate same program offsets (i.e., State from State and Federal from Federal) and intrastate and interstate cross-program offsets (i.e., State from Federal and Federal from State). Such interstate recovery of overpayments necessarily requires the disclosure of information contained in State agency records to State agencies in other States. This subpart H does not implement the requirements for such offsets beyond those relating to the disclosure of information.

(2) *Definition.* For purposes of this section the term "Federal unemployment benefit or allowance program" means any program established by Federal statute and administered by the Department, which provides for the payment from Federal funds of compensation to individuals. Existing programs provide for the payment of unemployment compensation to Federal employees (part 609 of this chapter), unemployment compensation to ex-servicemembers (part 614 of this chapter), trade readjustment allowances under the trade adjustment assistance program (part 617 of this chapter), disaster unemployment assistance (part 625 of this chapter), and weekly layoff benefits under the redwood employee protection program (29 CFR part 92).

(b) *Application.* This subpart H applies only to a State agency.

§ 603.71 Disclosure of information.

Each State agency may disclose to a State agency of another State only that unemployment compensation information which is necessary to effectuate the recovery of overpayments from individuals as authorized by the State law in accordance with section 303(g) of the Social Security Act, and to effectuate the purposes of interstate same program and cross-program offset shall disclose such information from its records as is necessary to accomplish these purposes. Similarly, a State agency effecting an offset may disclose to the other State agency only such information as is necessary for the purposes of the interstate agreement.

§ 603.72 Payment of costs.

Payment of costs is neither appropriate nor required with respect to disclosures of information referred to in § 603.71. Penalty mail, as defined in 39 U.S.C. 3201(1), may be used in making such disclosures.

§ 603.73 Safeguards for disclosed information.

A State agency receiving information referred to in § 603.71 may use it only for purposes of recovering the overpayment for which the information was disclosed. With respect to any information received under the interstate agreement, the receiving State agency shall be subject to the confidentiality requirements of § 603.13 of subpart B of this part 603.

§ 603.74 Agreements.

Section 303(g)(2) of the Social Security Act requires an agreement between each State and the Secretary of Labor to authorize cross-program offsets (either intrastate or interstate). A properly executed agreement must be in effect before any cross-program offset may occur or information may be disclosed. No agreement with the Secretary is required for interstate, same program offsets. For interstate, same program offsets, reciprocal arrangements between and among the States are appropriate. An agreement such as that required by § 603.14 is neither appropriate nor required under this subpart H.

§ 603.75 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency (the disclosing State agency or the receiving State agency) has failed to comply substantially with any of the requirements of this subpart H, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(g) (1) and (2) of the Social Security Act and the agreement between the State and the Secretary of Labor, as provided in this subpart H, except that any action under this section shall be based upon section 303(g) of the Act, § 601.5(a) of this chapter, and this subpart H.

Subpart I—Actions Required by State Agencies To Enable the Secretary of Health and Human Services To Obtain Prompt Access to Information

§ 603.80 Purpose and application.

(a) *Purpose.* (1) *In general.* The regulations in this subpart I implement section 303(h) of the Social Security Act, which requires that a State agency take action necessary to enable the Secretary of Health and Human Services (HHS), in accordance with the "Memorandum of Understanding" (appendix A of this part) between the Secretaries of Labor and HHS, to obtain prompt access to certain information contained in the State agency's records for purposes of carrying out the child support enforcement program under title IV, section 453 of the Act (42 U.S.C. 653). The Office of Child Support Enforcement (OCSE) in the Department of Health and Human Services performs this function on behalf of the Secretary of HHS.

(2) *Cross reference.* Disclosure of information required by this subpart I is in addition to the disclosure requirements of subparts C, G, and L.

(b) *Application.* This subpart I applies only to a State agency.

§ 603.81 Disclosure of information.

Each State agency shall disclose, upon request, to officers or employees of OCSE any of the following information contained in the records of such State agency—

(a) Wage information (as defined in § 603.3(i)),

(b) Claim information (as defined in § 603.21(a)),

and

(c) any other information that may be useful in locating an absent parent or such parent's employer.

§ 603.82 Payment of costs.

As a condition for receiving information referred to in § 603.81, the OCSE shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in

accordance with paragraphs (b) and (c) of § 603.12.

§ 603.83 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.81 is used only for the purpose for which the information was disclosed.

§ 603.84 Agreements.

(a) *Agreement required.* As specified in the "Memorandum of Understanding" between the Secretaries of Labor and Health and Human Services (appendix A of this part), the Secretaries have agreed that the OCSE will enter into a written agreement with a State agency to act as OCSE's agent in establishing an arrangement with a contractor coordinating the information exchange for the purpose of facilitating the transmission of requests and responses to requests for information as provided in § 603.81. Prior to disclosing any information as required by § 603.81, each State agency shall enter into a written agreement with OCSE and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.85 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart I, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(h) of the Social Security Act as provided in this subpart I, except that any action under this section shall be based upon section 303(h)(2) of the Act, § 601.5(a) of this chapter, and this subpart I.

Subpart J—Disclosure of Information to the Department of Housing and Urban Development and Public Housing Agencies

§ 603.90 Purpose and application.

(a) *Purpose.* The regulations in this subpart J implement section 303(i) of the Social Security Act, which requires that a State agency disclose certain information contained in the State agency's records to officers and employees of the Department of Housing and Urban Development and to representatives of a public housing agency for the purposes of determining an individual's eligibility for, or amount of, benefits under a housing assistance program of the Department of Housing and Urban Development.

(Note: Section 904(c)(2) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100–628) provides certain protections for applicants for, and recipients of, benefits under the programs of the Department of Housing and Urban Development in connection with the use of information obtained pursuant to section 303(i) of the Social Security Act. In addition, section 904(c)(3) of the Stewart B. McKinney Act sets forth criminal penalties for certain misconduct in connection with information within the purview of section 303(i) of the Social Security Act, as well as certain remedies for applicants and recipients who were subjected to misconduct with respect to such information. The Department of Labor is not, however, responsible for administering sections 904(c)(2) and 904(c)(3) of the Stewart B. McKinney Act, 42 U.S.C. 3544 (c)(2) and (c)(3).)

(b) *Application.* This subpart J applies only to a State agency.

§ 603.91 Definitions.

For purposes of this subpart J—

(a) "Consent form" means the consent form referred to in section 904(b) of the Stewart B. McKinney Homeless Assistance Amendments Act of 1988 (Pub. L. 100–628), which is signed by an individual to signify consent to the release of information contained in the State agency's records and specified in § 603.92 with respect to such individual.

(b) "Public housing agency", as described in section 3(b)(6) of the United States Housing Act of 1937 (42 U.S.C. 1437a(b)(6)), means "* * * any State, county, municipality, or other governmental entity or public body (or agency or instrumentality thereof) which is authorized to engage in or assist in the development or operation of low-income housing."

§ 603.92 Disclosure of information.

Each State agency shall disclose, upon request, to officers or employees of the Department of Housing and Urban Development and to representatives of a public housing agency, concerning any individual applying for or participating in any housing assistance program administered by the Department of Housing and Urban Development who has signed a consent form, any of the following information contained in the records of such State agency—

(a) Wage information (as defined in § 603.3(i)), and

(b) Whether the individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received (or to be received) by such individual.

§ 603.93 Frequency and format of disclosure.

The frequency and format of the information disclosed shall be determined by agreement in accordance with paragraph (b)(3) of § 603.14.

§ 603.94 Payment of costs.

As a condition for receiving information referred to in § 603.92, the Department of Housing and Urban Development or any public housing agency receiving such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.95 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.92 is used only for the purpose for which the information was disclosed.

§ 603.96 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.92, each State agency shall enter into a written agreement with the Department of Housing and Urban Development or a public housing agency intending to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.97 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of this subpart J, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 303(i)(1) and (2) of the Social Security Act as provided in this subpart J, except that any action under this section shall be based upon section 303(i)(3) of the Act, § 601.5(a) of this chapter, and this subpart J.

Subpart K—Disclosure of Information to Public Agencies Under the Federal Unemployment Tax Act

§ 603.100 Purpose and application.

(a) *Purpose.* (1) *In general.* The regulations in this subpart K implement section 3304(a)(16) of the Federal Unemployment Tax Act (26 U.S.C. 3304(a)(16)), which requires a State agency to disclose certain wage information contained in the State agency's records to a State or political subdivision thereof administering a State plan for aid and services to needy families with children approved under part A of title IV of the Social Security Act, for purposes of determining an individual's eligibility for aid or services, or the amount of such aid or services.

(2) *Cross-reference.* Disclosure of information required by this subpart K is in addition to the disclosure requirements of subparts C and L.

(b) *Application.* This subpart K applies only to a State agency.

§ 603.101 Disclosure of information.

Each State agency shall disclose, upon request, to any public agency referred to in § 603.100 any wage information (as determined necessary by the Secretary of Health and Human Services in regulations) contained in the records of the State agency.

§ 603.102 Payment of costs.

As a condition for receiving information referred to in § 603.101, any public agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.103 Safeguards for disclosed information.

Each State agency shall establish safeguards as are determined necessary by the Secretary of Health and Human Services in regulations at 45 CFR 205.50.

§ 603.104 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.101, each State agency shall enter into a written agreement with any public agency referred to in § 603.100 which intends to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement. For purposes of this subpart K, the provision of safeguards as required by paragraph (b)(6) of § 603.14 refers to safeguards established under 45 CFR 205.50.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.105 Effectuating conformity and compliance.

Pursuant to section 3304(c) of the Federal Unemployment Tax Act and § 601.5(a) of this chapter, whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency of a State, finds that a State law fails to contain each of the provisions required by section 3304(a)(16) of the Federal Unemployment Tax Act to be included therein, or has failed to comply substantially with any of the provisions of such section or this subpart K, the Secretary of Labor shall make no certification under section 3304(c) of the Act to the Secretary of the Treasury with respect to such State as of October 31 of the 12-month period with respect to which such finding is made. Section 3310 of the Federal Unemployment Tax Act shall be applicable to any finding made under this paragraph (a).

Subpart L—Disclosure of Information to Public Agencies under the Wagner-Peyser Act

§ 603.110 Purpose and application.

(a) *Purpose.* (1) *In general.* The regulations in this subpart L implement section 3(b) of the Wagner-Peyser Act, to the extent that such section requires a State agency to furnish certain information contained in the State agency's records to—

(i) An agency of the State or political subdivision thereof administering or supervising the administration of a State plan approved under part A of title IV of the Social Security Act,

(ii) A State or local agency charged with any duty or responsibility under any program or activity authorized or required under part D of title IV of such Act, and

(iii) Any State or local agency (as defined in 7 U.S.C. 2012(n)(1)) which is charged with the administration of the food stamp program in the State under the Food Stamp Act of 1977 (7 U.S.C. 2011 *et seq.*).

(2) *Cross references.* (i) *Part A of title IV.* The disclosure of information required by clause (1)(i) of this paragraph (a) is in addition to the disclosure requirements of subparts C and K.

(ii) *Part D of title IV.* The disclosure of information required by clause (1)(ii) of this paragraph (a) is in addition to the disclosure requirements of subparts C, G, and I.

(iii) *Food stamp program.* The disclosure of information required by clause (1)(iii) of this paragraph (a) is in addition to the disclosure requirements of subparts C and F.

(b) *Application.* This subpart L applies only to a State agency.

§ 603.111 Disclosure of information.

Each State agency shall disclose, upon request, to any public agency referred to in § 603.110, any of the following information contained in the records of the State agency—

(a) Whether an individual is receiving, has received, or has made application for, unemployment compensation, and the amount of any such compensation being received by such individual,

(b) The current (or most recent) home address of such individual, and

(c) Whether an individual has refused an offer of employment and, if so, a description of the employment so offered and the terms, conditions, and rate of pay therefor.

§ 603.112 Payment of costs.

As a condition for receiving information referred to in § 603.111, any public agency requesting such information shall be required to reimburse the State agency for all costs incurred in making any such disclosure, including any initial start-up costs. Costs required by this section to be reimbursed shall be required to be calculated and paid in accordance with paragraphs (b) and (c) of § 603.12.

§ 603.113 Safeguards for disclosed information.

Each State agency shall establish safeguards, as set forth in § 603.13, to insure that information disclosed as required by § 603.111 is used only for the purpose for which the information was disclosed.

§ 603.114 Agreements.

(a) *Agreement required.* Prior to disclosing information as required by § 603.111, each State agency shall enter into a written agreement with any public agency referred to in § 603.110 which intends to request any such information, and any such agreement shall accord with the requirements of § 603.14(b) with respect to the contents of such agreement.

(b) *Breach.* The provisions of § 603.14(c) shall be applicable in the case of any breach of an agreement referred to in paragraph (a) of this section.

§ 603.115 Effectuating compliance.

Whenever the Department has reason to believe that a State or State agency has failed to comply substantially with any of the requirements of section 3(b) of the Wagner-Peyser Act, as provided in this Subpart L for the purposes of the Federal-State unemployment compensation program, the provisions of paragraphs (b) and (c) of § 603.16 will apply for the purposes of effecting compliance with the requirements of section 3(b) of the Wagner-Peyser Act as provided in this subpart L, except that any action under this paragraph (b) shall be based upon section 303(b) of the Social Security Act, § 601.5(a) of this chapter, and this subpart L. Section 304 of the Social Security Act shall be applicable to any finding made under this paragraph (b).

Appendix A to Part 603—Memorandum of Understanding Between The Department of Labor and the Department of Health and Human Services

I. Purpose

To record the agreement and understanding between the Secretary of Labor and the Secretary of Health and Human Services to implement section 453(e)(3) of the Social Security Act (the Act), and assist with implementing the requirements of section 303(h) of such Act (as amended by section 124 of the Family Support Act of 1988, Pub. L. 100–485).

II. Background

A. Section 453 of the Social Security Act established the Federal Parent Locator Service (FPLS), within the Office of Child Support Enforcement (OCSE), to obtain and transmit information to authorized persons (as defined in the Act) concerning the whereabouts of any absent parent, to be used to locate such parent for the purpose of enforcing support obligations.

B. Section 124(a) of the Family Support Act of 1988 amended section 453(e) by adding a new paragraph (3), which requires the Secretary of Labor and the Secretary of Health and Human Services to enter into an agreement to provide the FPLS with prompt access to wage and unemployment compensation claims information maintained for or by the Department of Labor (DOL) or the State Employment Security Agencies (SESAs).

C. Section 124(b) of the Family Support Act of 1988 amended section 303 of the Social Security Act by adding a new subsection (h)(1), which reads as follows:

" * * * "The State agency charged with the administration of the State law shall take such actions (in such manner as may be provided in the agreement between the Secretary of Health and Human Services and the Secretary of Labor under section 453(e)(3)) as may be necessary to enable the Secretary of Health and Human Services to obtain prompt access to any wage and unemployment compensation claims information (including any information that might be useful in locating an absent parent or such parent's employer) for use by the Secretary of Health and Human Services, for purposes of section 453, in carrying out the child support enforcement program under title IV."

D. The amendments made by section 124 become effective on the first day of the first calendar quarter which begins 1 year or more after the date of enactment of the Family Support Act of 1988, except that the Secretaries of Labor and Health and Human Services are directed to enter into the agreement required by section 453(e)(3) not later than 90 days after date of enactment.

E. This Memorandum of Understanding constitutes the formal agreement required by section 453(e)(3), and sets forth the responsibilities of both Departments and the SESAs under section 303(h)(1).

III. Understandings

A. The Secretaries agree that, pursuant to section 303(h)(1), the only information that may be requested under this agreement and the agreement with any SESA is wage and unemployment compensation claims information in the records of the SESA and any other information in the records of the SESA that might be useful in locating an absent parent or such parent's employer.

B. The Secretaries agree that the OCSE, with the assistance of DOL, will enter into specific written agreements with each SESA. Such agreements will include provisions:

(1) The purpose for which the information is requested;

(2) The specific information requested;

(3) How the information will be requested, including the request and response formats;

(4) The maximum number of records to be included in each request;

(5) Request and response schedules;

(6) Provisions for reprocessing requests;

(7) Cost of responding to requests;

(8) Reimbursement procedures;

(9) Provisions for safeguarding and protecting confidentiality of requests and responses, and limiting use or redisclosure of information to purposes authorized by law; and

(10) Provisions for notification by OCSE for appropriate action by DOL of any SESA's failure to provide prompt access to wage and unemployment compensation claims information.

C. The Secretaries agree that the OCSE will protect the confidentiality of the information obtained under the terms of this agreement against unauthorized access or redisclosure while under the control of OCSE. The OCSE will require each State to submit an annual certification that the information obtained pursuant to this agreement will only be used for child support enforcement purposes and that such information will be safeguarded.

D. The Secretaries agree that the OCSE will enter into a written agreement with a SESA to act as OCSE's agent in establishing an arrangement with a contractor coordinating the data exchange between SESAs for the purpose of facilitating the exchange of data between the FPLS and the SESAs.

E. The Secretaries agree that the OCSE will make a reasonable effort to ensure that requests for information pertain to absent parents who no longer work or reside in the State requesting locate information through FPLS.

F. The Secretaries agree that OCSE will notify DOL in writing of any SESAs failure to provide prompt access to wage and unemployment compensation claims information as required under this agreement and the agreement between the SESA and OCSE, and DOL will take appropriate action pursuant to section 303(h)(2) of the Act.

G. The Secretaries agree that the Department of Health and Human Services (DHHS) will implement procedures that provide for the timely payment by the DHHS to each SESA of all costs incurred in providing wage and unemployment compensation claims information in accordance with this agreement and the agreement between the OCSE and the SESA.

H. The Secretaries agree that OCSE will reimburse the appropriate SESA for any costs incurred by the SESA in implementing an agreement with OCSE.

This agreement was effective as of January 11, 1989.

Department of Labor.

Dated: January 18, 1989.

Roberts T. Jones,

Assistant Secretary of Labor.

Department of Health and Human Services.

Dated: January 23, 1989.

Wayne A. Stanton,

Director, Child Support Enforcement Administrator, Family Support Administration.

[FR Doc. 92–6381 Filed 3–20–92; 8:45 am]

BILLING CODE 4510–30–M

Federal Register

Monday
March 23, 1992

Part III

Environmental Protection Agency

Premanufacture Notices; Monthly Status Report for JANUARY 1992

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS-53151; FRL 4052-8]

Premanufacture Notices; Monthly Status Report for JANUARY 1992

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5(d)(3) of the Toxic Substance Control Act (TSCA) requires EPA to issue a list in the **Federal Register** each month reporting the premanufacture notices (PMNs) and exemption request pending before the Agency and the PMNs and exemption requests for which the review period has expired since publication of the last monthly summary. This is the report for JANUARY 1992.

Nonconfidential portions of the PMNs and exemption request may be seen in the TSCA Public Docket Office NE-G004 at the address below between 8 a.m. and noon and 1 p.m. and 4 p.m., Monday through Friday, excluding legal holidays.

ADDRESSES: Written comments, identified with the document control number "(OPPTS-53151)" and the specific PMN and exemption request number should be sent to: Document Processing Center (TS-790), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 401 M St., SW., rm. L-100, Washington, DC 20460, (202) 260-1532.

FOR FURTHER INFORMATION CONTACT: David Kling, Acting Director, Environmental Assistance Division (TS-799), Office of Pollution Prevention and Toxics, Environmental Protection Agency, rm. E-545, 401 M St., SW., Washington, DC 20460 (202) 260-3725.

SUPPLEMENTARY INFORMATION: The monthly status report published in the **Federal Register** as required under section 5(d)(3) of TSCA (90 Stat. 2012 (15 U.S.C. 2504)), will identify: (a) PMNs received during JANUARY; (b) PMNs received previously and still under review at the end of JANUARY; (c) PMNs for which the notice review period has ended during JANUARY; (d) chemical substances for which EPA has received a notice of commencement to manufacture during JANUARY; and (e) PMNs for which the review period has been suspended.Therefore, the JANUARY 1992 PMN Status Report is being published.

Dated: March 17, 1992.

Steven Newburg-Rinn,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

Premanufacture Notice Monthly Status Report for JANUARY 1992.

I. 117 Premanufacture notices and exemption requests received during the month:

PMN No.

P 92-0370 P 92-0371 P 92-0372 P 92-0373
P 92-0374 P 92-0375 P 92-0376 P 92-0377
P 92-0378 P 92-0379 P 92-0380 P 92-0381
P 92-0382 P 92-0383 P 92-0384 P 92-0385
P 92-0386 P 92-0387 P 92-0388 P 92-0389
P 92-0390 P 92-0391 P 92-0392 P 92-0393
P 92-0394 P 92-0395 P 92-0396 P 92-0397
P 92-0398 P 92-0399 P 92-0400 P 92-0401
P 92-0402 P 92-0403 P 92-0404 P 92-0405
P 92-0406 P 92-0407 P 92-0408 P 92-0409
P 92-0410 P 92-0411 P 92-0412 P 92-0413
P 92-0414 P 92-0415 P 92-0416 P 92-0417
P 92-0418 P 92-0419 P 92-0420 P 92-0421
P 92-0422 P 92-0423 P 92-0424 P 92-0425
P 92-0426 P 92-0427 P 92-0428 P 92-0429
P 92-0430 P 92-0431 P 92-0432 P 92-0433
P 92-0434 P 92-0435 P 92-0436 P 92-0437
P 92-0438 P 92-0439 P 92-0440 P 92-0441
P 92-0442 P 92-0443 P 92-0444 P 92-0445
P 92-0446 P 92-0448 P 92-0449 P 92-0450
P 92-0451 P 92-0452 P 92-0453 P 92-0454
P 92-0455 P 92-0456 P 92-0457 P 92-0458
P 92-0459 P 92-0460 P 92-0461 P 92-0462
P 92-0463 P 92-0464 P 92-0465 P 92-0466
P 92-0467 P 92-0468 P 92-0469 P 92-0470
P 92-0471 Y 92-0081 Y 92-0082 Y 92-0083
Y 92-0084 Y 92-0085 Y 92-0086 Y 92-0087
Y 92-0088 Y 92-0089 Y 92-0090 Y 92-0091
Y 92-0092 Y 92-0093 Y 92-0094 Y 92-0095
Y 92-0096

II. 339 Premanufacture notices received previously and still under review at the end of the month:

PMN No.

P 83-0237 P 85-0433 P 85-0612 P 85-0619
P 85-1184 P 86-0066 P 86-1315 P 86-1489
P 86-1607 P 87-0105 P 87-0323 P 87-0502
P 87-1872 P 88-0998 P 88-1271 P 88-1272
P 88-1273 P 88-1274 P 88-1460 P 88-1682
P 88-1753 P 88-1937 P 88-1938 P 88-1980
P 88-1982 P 88-1984 P 88-1985 P 88-1999
P 88-2000 P 88-2001 P 88-2100 P 88-2169
P 88-2196 P 88-2212 P 88-2213 P 88-2228
P 88-2229 P 88-2230 P 88-2236 P 88-2484
P 88-2518 P 88-2529 P 89-0254 P 89-0321
P 89-0396 P 89-0538 P 89-0632 P 89-0676
P 89-0721 P 89-0770 P 89-0775 P 89-0836
P 89-0837 P 89-0867 P 89-0957 P 89-0958
P 89-0959 P 89-0963 P 89-1038 P 89-1058
P 89-1062 P 90-0002 P 90-0009 P 90-0158
P 90-0159 P 90-0211 P 90-0237 P 90-0248
P 90-0249 P 90-0260 P 90-0261 P 90-0262
P 90-0263 P 90-0372 P 90-0441 P 90-0550
P 90-0558 P 90-0564 P 90-0581 P 90-0603
P 90-0608 P 90-1280 P 90-1318 P 90-1319
P 90-1320 P 90-1321 P 90-1322 P 90-1358
P 90-1422 P 90-1527 P 90-1528 P 90-1529
P 90-1530 P 90-1531 P 90-1564 P 90-1592
P 90-1624 P 90-1635 P 90-1687 P 90-1718
P 90-1720 P 90-1722 P 90-1723 P 90-1745
P 90-1840 P 90-1893 P 90-1937 P 90-1965
P 90-1984 P 90-1985 P 91-0004 P 91-0051
P 91-0101 P 91-0102 P 91-0107 P 91-0108
P 91-0109 P 91-0110 P 91-0111 P 91-0112
P 91-0113 P 91-0118 P 91-0222 P 91-0228
P 91-0230 P 91-0231 P 91-0232 P 91-0233
P 91-0242 P 91-0243 P 91-0244 P 91-0245
P 91-0246 P 91-0247 P 91-0248 P 91-0288
P 91-0328 P 91-0358 P 91-0442 P 91-0464
P 91-0465 P 91-0466 P 91-0467 P 91-0468
P 91-0469 P 91-0470 P 91-0471 P 91-0472
P 91-0487 P 91-0490 P 91-0501 P 91-0503
P 91-0514 P 91-0521 P 91-0532 P 91-0548
P 91-0572 P 91-0584 P 91-0619 P 91-0659
P 91-0665 P 91-0666 P 91-0688 P 91-0689
P 91-0701 P 91-0732 P 91-0763 P 91-0818
P 91-0826 P 91-0827 P 91-0831 P 91-0853
P 91-0902 P 91-0903 P 91-0905 P 91-0912
P 91-0914 P 91-0915 P 91-0934 P 91-0939
P 91-0940 P 91-0941 P 91-0968 P 91-1000
P 91-1009 P 91-1010 P 91-1011 P 91-1012
P 91-1013 P 91-1014 P 91-1015 P 91-1016
P 91-1017 P 91-1018 P 91-1019 P 91-1020
P 91-1021 P 91-1022 P 91-1023 P 91-1024
P 91-1025 P 91-1026 P 91-1027 P 91-1028
P 91-1029 P 91-1030 P 91-1031 P 91-1032
P 91-1033 P 91-1034 P 91-1035 P 91-1036
P 91-1037 P 91-1038 P 91-1039 P 91-1040
P 91-1041 P 91-1042 P 91-1043 P 91-1044
P 91-1045 P 91-1046 P 91-1047 P 91-1048
P 91-1049 P 91-1050 P 91-1051 P 91-1052
P 91-1053 P 91-1054 P 91-1055 P 91-1056
P 91-1057 P 91-1058 P 91-1059 P 91-1060
P 91-1061 P 91-1062 P 91-1063 P 91-1064
P 91-1065 P 91-1066 P 91-1067 P 91-1068
P 91-1069 P 91-1070 P 91-1071 P 91-1072
P 91-1073 P 91-1074 P 91-1075 P 91-1077
P 91-1116 P 91-1117 P 91-1118 P 91-1131
P 91-1161 P 91-1163 P 91-1190 P 91-1191
P 91-1206 P 91-1210 P 91-1243 P 91-1279
P 91-1280 P 91-1281 P 91-1282 P 91-1283
P 91-1289 P 91-1297 P 91-1298 P 91-1299
P 91-1321 P 91-1322 P 91-1323 P 91-1324
P 91-1328 P 91-1346 P 91-1361 P 91-1364
P 91-1367 P 91-1368 P 91-1369 P 91-1371
P 91-1372 P 91-1379 P 91-1384 P 91-1386
P 91-1392 P 91-1394 P 91-1409 P 91-1418
P 91-1456 P 91-1464 P 92-0001 P 92-0002
P 92-0003 P 92-0031 P 92-0032 P 92-0033
P 92-0034 P 92-0035 P 92-0036 P 92-0044
P 92-0048 P 92-0063 P 92-0066 P 92-0067
P 92-0068 P 92-0129 P 92-0156 P 92-0157
P 92-0159 P 92-0168 P 92-0169 P 92-0177
P 92-0210 P 92-0217 P 92-0233 P 92-0244
P 92-0245 P 92-0246 P 92-0247 P 92-0248
P 92-0249 P 92-0250 P 92-0251 P 92-0266
P 92-0278 P 92-0283 P 92-0294 P 92-0306
P 92-0314 P 92-0315 P 92-0320 P 92-0329
P 92-0341 P 92-0343 P 92-0344

III. 150 Premanufacture notices and exemption request for which the notice review period has ended during the month. (Expiration of the notice review period does not signify that the chemical has been added to the inventory).

PMN No.

P 91-0064 P 91-0600 P 91-1173 P 91-1231
P 91-1232 P 91-1233 P 91-1234 P 91-1235
P 91-1305 P 91-1347 P 91-1422 P 91-1423
P 92-0028 P 92-0042 P 92-0045 P 92-0046
P 92-0047 P 92-0049 P 92-0050 P 92-0051
P 92-0052 P 92-0053 P 92-0054 P 92-0055
P 92-0056 P 92-0057 P 92-0058 P 92-0059
P 92-0060 P 92-0061 P 92-0062 P 92-0064

P 92-0065 P 92-0069 P 92-0070 P 92-0071
P 92-0072 P 92-0073 P 92-0074 P 92-0075
P 92-0076 P 92-0077 P 92-0078 P 92-0079
P 92-0080 P 92-0081 P 92-0082 P 92-0083
P 92-0084 P 92-0085 P 92-0086 P 92-0087
P 92-0088 P 92-0089 P 92-0090 P 92-0091
P 92-0092 P 92-0093 P 92-0094 P 92-0095
P 92-0096 P 92-0097 P 92-0098 P 92-0099
P 92-0100 P 92-0101 P 92-0102 P 92-0103
P 92-0104 P 92-0105 P 92-0106 P 92-0107
P 92-0108 P 92-0109 P 92-0110 P 92-0111
P 92-0112 P 92-0113 P 92-0114 P 92-0115
P 92-0116 P 92-0117 P 92-0118 P 92-0119
P 92-0120 P 92-0121 P 92-0122 P 92-0123
P 92-0124 P 92-0125 P 92-0126 P 92-0127
P 92-0128 P 92-0130 P 92-0131 P 92-0132
P 92-0133 P 92-0134 P 92-0135 P 92-0136
P 92-0137 P 92-0138 P 92-0139 P 92-0140
P 92-0141 P 92-0142 P 92-0143 P 92-0144
P 92-0145 P 92-0146 P 92-0147 P 92-0148
P 92-0149 P 92-0150 P 92-0151 P 92-0152
P 92-0153 P 92-0154 P 92-0155 P 92-0158
P 92-0160 P 92-0161 P 92-0162 P 92-0163
P 92-0164 P 92-0165 P 92-0166 P 92-0167
P 92-0170 P 92-0171 P 92-0172 P 92-0173
P 92-0174 P 92-0175 P 92-0176 P 92-0178
P 92-0232 Y 92-0074 Y 92-0075 Y 92-0076
Y 92-0077 Y 92-0078 Y 92-0079 Y 92-0080
Y 92-0081 Y 92-0082 Y 92-0083 Y 92-0084
Y 92-0085 Y 92-0086

IV. 84 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture

PMN No.	Identity/Generic Name	Date of Commencement
P 84-0660	G Substituted aryl olefin	February 9, 1988.
P 86-1014	G Substituted phosphine oxide	November 21, 1991.
P 86-1015	G Substituted phosphine oxide	November 21, 1991.
P 88-0316	G Substituted cyclohexylalkenone	November 20, 1991.
P 88-0605	G Substituted-phenyl-azo-alkyl phenol	November 6, 1991.
P 88-0763	G Mono substituted aromatic aldehyde	December 1, 1991.
P 88-0831	Phenol, 4,4'-(9*H*-fluoren-9-ylidene)bis-	August 27, 1989.
P 88-2193	G Substituted carboxylic acid, alkane diol polyester	December 22, 1988.
P 88-2495	G Fluorochloroolefin copolymer	November 22, 1991.
P 89-0451	G Silicone-imide black copolymer	November 20, 1991.
P 89-0821	G Substituted heteropolycyclic sulfonic acid, compound with alkanolamine	November 1, 1991.
P 89-1081	G Reaction product of alkyl carboxylic acids/alkane polyols polyester with an acrylate prepolymer	November 18, 1991.
P 90-0294	G NCO terminated urethane	December 18, 1991.
P 90-0559	1-(1-Methylbutoxy)-4-benzenamine hydrochloride	November 6, 1991.
P 90-0662	G Substituted epoxy resin	October 27, 1991.
P 90-1230	G Acrylic copolymers and salts thereof; styrene/acrylic copolymers and salts thereof	November 27, 1991.
P 90-1358	Cyclohexanecarbonitrile, 1,3,3-trimethyl-5-oxo-	November 15, 1991.
P 90-1533	G Modified olefin-based polymer	December 16, 1991.
P 90-1596	G Aryloxy substituted alkanoic acid, alkoxyphenyl hydrazide	November 25, 1991.
P 90-1597	G Acryloxy substituted alkanoyl chloride	November 7, 1991.
P 90-1598	G (Arylsulfonyl)aryloxy substituted alkanoic acid, alkoxyphenylhydrazide	November 7, 1991.
P 90-1625	G Carboxylic acid derivatives of polyoxyalkylenes	November 26, 1991.
P 90-1682	G Styrenated polyacrylate polymethacrylate	December 20, 1991.
P 90-1685	G Nonionic surfactant	November 13, 1991.
P 90-1707	G Metal carbonyl carboxylate	November 21, 1991.
P 90-1865	G Metal alkyl chloride	November 25, 1991.
P 90-1924	Siloxanes and silicone, di-me, hydrogen terminated, reaction products with polyethylene-polypropylene glycol, mono alkyl ether, succinates	November 13, 1991.
P 90-1927	G Fluoroolefin copolymer	November 22, 1991.
P 91-0021	G Crosslinked polymer	December 4, 1991.
P 91-0065	3,9-Bis(2,4,6-tri-t-butylphenoxy)-2,4,8,10-tetroxa-3,9-diphosphaspiro(5.5)undecane	November 13, 1991.
P 91-0211	G Caprolactone modified polyester resin	January 3, 1992.
P 91-0257	G Waterborne polyurethane	November 20, 1991.
P 91-0332	G Aryl polyamideurea	November 14, 1991.
P 91-0365	G Fluorinated sulfonimide	November 26, 1991.
P 91-0386	G Tall oil fatty acids, ester with disubstituted triol	December 18, 1991

IV. 84 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-0419	G Aipic acid, polymer with 1,6-hexanediol, neopentylglycol, cycloalkanediol alkyl amine, cycloalkaneamine, 4,4-methylene bis(cyclohexyl isocyanated) and propanoic acid, 3-hydroxy-2(hydroxy methyl)2-methyl..	October 3, 1991.
P 91-0451	G Alkyl hydroxylamine.	December 16, 1991.
P 91-0518	G Substituted alkyl amide.	November 3, 1991.
P 91-0573	G Ethylene-siloxane copolymer.	December 13, 1991.
P 91-0598	G Epoxidized copolymer of phenol and substituted phenol.	November 7, 1991.
P 91-0620	G Polyester polyurethane.	December 4, 1991.
P 91-0691	G Fluoroalkyl silane.	September 11, 1991.
P 91-0731	Alpha, omega bis(2-hydroxyethyloxy)perfluoropolyoxyalkane.	October 21, 1991.
P 91-0740	G Acid functional polyester.	November 25, 1991.
P 91-0955	G Castor oil-tall polyol alkyd resin.	November 18, 1991.
P 91-0963	G Reaction product of adiphatic diisocyanate, polycaprolactone polyol, and alkyl hydroxy acrylate.	October 28, 1991.
P 91-1095	G Metal complex.	November 12, 1991.
P 91-1099	G Acrylate/acrylamido derivative copolymer.	November 21, 1991.
P 91-1132	G Styrene acrylic polyelectrolyte amine salt.	November 25, 1991.
P 91-1133	G Styrene acrylic polyelectrolyte amine salt.	November 25, 1991.
P 91-1134	G Styrene.	November 25, 1991.
P 91-1135	G Styrene.	November 25, 1991.
P 91-1136	G Styrene.	November 25, 1991.
P 91-1137	G Styrene.	November 25, 1991.
P 91-1138	G Styrene.	November 25, 1991.
P 91-1139	G Styrene.	November 25, 1991.
P 91-1140	G Styrene.	November 25, 1991.
P 91-1166	G Polyester polyurethane.	December 3, 1991.
P 91-1205	G Substituted polyoxyalkylated aromatic amine methylium salt.	November 12, 1991.
P 91-1208	G Vinyl ether terminated urethane.	November 13, 1991.
P 91-1211	G Disubstituted benzene sulfonic acid salt.	November 15, 1991.
P 91-1254	G Crosslinked rubber.	November 19, 1991.
P 91-1257	G Polyimide resin.	December 3, 1991.
P 91-1276	G Unsaturated polyester.	December 6, 1991.
P 91-1309	G High solids long-oil alkyd resins.	December 8, 1991.
P 91-1315	Organosiline.	December 1, 1991.
P 91-1331	G Phosphosate-alkanolamine ester polymer.	November 18, 1991.
P 91-1336	G Hydroxy-terminated polyurethane.	December 18, 1991.
P 91-1337	G Isocyanate-terminated polyurethane.	December 18, 1991.
P 91-1346	Ethanol, 2,2'-(hexylimino)di-	December 4, 1991.
P 91-1348	G Polyether silane.	December 10, 1991.
P 91-1351	G Polyester.	December 5, 1991.
P 91-1356	G Vinyl acetate/acrylic copolymer.	November 27, 1991.
P 91-1376	G Reaction products of diisocyanate, polyol and glycol ether.	December 14, 1991.
P 91-1380	G Ethylene vinyl acetate copolymer.	December 3, 1991.

IV. 84 Chemical Substances for Which EPA Has Received Notices of Commencement To Manufacture—Continued

PMN No.	Identity/Generic Name	Date of Commencement
P 91-1411	G Rosin-modified phenolic resin.	December 19, 1991.
P 91-1425	G Ring-nitrogen modified block polyether-polyester isocyanate adduct	December 30, 1991.
P 91-1426	G Ring-nitrogen modified block polyether-polyester isocyanate adduct	December 30, 1991.
P 91-1452	G Substituted-substituted-substituted-benzene polymer	December 31, 1991.
Y 88-0189	G Unsaturated polyester diol	November 19, 1991.
Y 91-0238	G Polyvinyl acetal.	November 18, 1991.
Y 92-0016	G Carboxylated acrylic polymer salt	December 12, 1991.
Y 92-0032	G Modified polyalkylene terephathalate	December 2, 1991.
Y 92-0051	G Unsaturated polyester resin.	December 16, 1991.

V. 28 Premanufacture notices for which the period has been suspended.

PMN No.

P 90-0581 P 90-1720 P 90-1722 P 90-1723
P 91-1367 P 91-1368 P 91-1369 P 91-1422
P 91-1423 P 91-1439 P 92-0063 P 92-0066
P 92-0067 P 92-0068 P 92-0131 P 92-0156
P 92-0157 P 92-0159 P 92-0168 P 92-0177
P 92-0244 P 92-0245 P 92-0246 P 92-0247
P 92-0248 P 92-0249 P 92-0250 P 92-0251

[FR Doc. 92-6676 Filed 3-20-92; 8:45 am]
BILLING CODE 6560-50-F

federal register

Monday
March 23, 1992

Part IV

Department of Transportation

Research and Special Programs Administration

National Tank Truck Carriers, Inc.; Application for Preemption Determination; Notice

DEPARTMENT OF TRANSPORTATION

[Docket No. PDA-2]

National Tank Truck Carriers, Inc.; Application for Preemption Determination Concerning a Massachusetts Statute Requiring an Audible Warning Device on Bulk Tank Vehicles or Trailers Used To Deliver Gasoline or Other Flammable Materials

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Public notice and invitation to comment.

SUMMARY: The National Tank Truck Carriers, Inc. has applied for an administrative determination whether a Massachusetts statute, requiring an audible reverse-gear warning system on tank trucks and trailers used to deliver gasoline or other flammable materials, is preempted by the Hazardous Materials Transportation Act (HMTA).

DATES: Comments received on or before May 8, 1992, and rebuttal comments received on or before June 30, 1992, will be considered before an administrative ruling is issued by the Associate Administrator for Hazardous Materials Safety, Research and Special Programs Administration. Rebuttal comments may discuss only those issues raised by comments received during the initial comment period and may not discuss new issues.

ADDRESSES: The application and any commetns received may be reviewed in the Dockets Unit, Research and Special Programs Administration, room 8421, Nassif Building, 400 Seventh Street SW., Washington, DC 20590–0001. Telephone: (202) 366–5046. Fax number: (202) 366–3753. Comments and rebuttal comments on the application may be submitted to the Dockets Unit at the above address, and should include the Docket Number (PDA–2). Three copies are requested. A copy of each comment and rebuttal comment must also be sent to Mr. Clifford J. Harvison, President, National Tank Truck Carriers, Inc., 2200 Mill Road, Alexandria, VA 22314 and to Mr. Jerold A. Gnazzo, Registrar, Registry of Motor Vehicles, 100 Nashua Street, Boston, MA 02114. A certification that a copy has been sent to each person must also be included with the comment. (The following format is suggested: "I hereby certify that copies of this comment have been sent to Messrs. Harvison and Gnazzo at the addresses specified in the **Federal Register**.")

FOR FURTHER INFORMATION CONTACT: Edward H. Bonekemper, III, Assistant Chief Counsel for Hazardous Materials Safety, Office of the Chief Counsel, Research and Special Programs Administration, 400 Seventh Street SW., Washington, DC 20590–0001, telephone number 202–366–4400.

SUPPLEMENTARY INFORMATION:

1. Background

The preemption provisions of the Hazardous Materials Transportation Act (HMTA), 49 App. U.S.C. 1801 *et seq.*, were amended by the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), Public Law 101–615. The Research and Special Programs Administration's (RSPA's) regulations have been revised to reflect these changes. 56 FR 8616 (Feb. 28, 1991); 56 FR 15510 (Apr. 17, 1991).

With two exceptions (discussed below), section 105(a)(4) of the HMTA (49 App. U.S.C. 1811(a)(4)), preempts "any law, regulation, order, ruling, provision, or other requirement of a State or political subdivision thereof or an Indian Tribe" which concerns a "covered subject" and "is not substantively the same" as any provision of the HMTA or any regulation under that provision concerning that subject. The "covered subjects" are defined in section 105(a)(4) as:

(i) The designation, description, and classification of hazardous materials.

(ii) The packing, repacking, handling, labeling, marking, and placarding of hazardous materials.

(iii) The preparation, execution, and use of shipping documents pertaining to hazardous materials and requirements respecting the number, content, and placement of such documents.

(iv) The written notification, recording, and reporting of the unintentional release in transportation of hazardous materials.

(v) The design, manufacturing, fabrication, marking, maintenance, reconditioning, repairing, or testing of a package or container which is represented, marked, certified, or sold as qualified for use in the transportation of hazardous materials.

RSPA has issued a Notice of Proposed Rulemaking proposing a specific definition for the term "substantively the same." 56 FR 36992 (Aug. 1, 1991).

In addition, section 105(b)(4) of the HMTA, 49 app. U.S.C. 1804(b)(4), addresses the preemption standards for hazardous materials highway routing requirements. The Secretary of Transportation has delegated responsibility for those highway routing issues, including the issuance of preemption determinations on highway routing issues, to the Federal Highway Administration. 56 FR 31343 (July 10, 1991).

Finally, section 112(a) of the HMTA, 49 App. U.S.C. 1811(a), provides that, with two exceptions discussed below, State, political subdivision and Indian tribe requirements not covered by those Section 105(a) or (b) provisions are preempted if—

(1) Compliance with both the State or political subdivision or Indian Tribe requirement and any requirement of (the HMTA) or of a regulation issued under (the HMTA) is not possible, (or)

(2) The State or political subdivision or Indian tribe requirement as applied or enforced creates an obstacle to the accomplishment and execution of (the HMTA) or the regulations issued under (the HMTA) * * *.

As indicated in the preamble to the final regulation implementing the HMTUSA preemption provisions, 56 FR at 8617 (Feb. 28, 1991), Section 112 codifies the "dual compliance" and "obstacle" standards which RSPA previously had adopted by regulation and used in issuing its advisory inconsistency rulings.

The two exceptions to preemption referred to above are for: (1) State, local or Indian tribe requirements "otherwise authorized by Federal law" and (2) State, local or Indian tribe requirements for which preemption has been waived by the Secretary of Transportation.

All of the above-described preemption standards are in RSPA's regulations at 49 CFR 107.202.

Section 112(c) of the HMTA provides for issuance of binding preemption determinations to replace the advisory inconsistency rulings previously issued by RSPA. Any directly affected person may apply for a determination whether a State, political subdivision or Indian tribe requirement is preempted by the HMTA. Notice of the application must be published in the **Federal Register**, and then the applicant is precluded from seeking judicial relief on that issue for 180 days after the application or until the preemption determination is issued, whichever occurs first. A party to a preemption determination proceeding may seek judicial review of the determination in U.S. district court within 60 day after the determination becomes final.

The Secretary of Transportation has delegated authority to issue preemption determinations, except for those concerning highway routing issues, to RSPA. 56 FR 31343 (July 10, 1991). RSPA's Associate Administrator for Hazardous Materials Safety will issue those determinations. RSPA's regulations concerning preemption

determinations were issued on February 28, 1991 (56 FR 8616), and are at 49 CFR 107.203–21 and 107.227.

Preemption determinations do not address issues of preemption arising under the Commerce Clause of the Constitution or under statutes other than the HMTA unless it is necessary to do so in order to determine whether a requirement is "otherwise authorized by Federal Law." A State, local or Indian tribe requirement is not "otherwise authorized by Federal law" merely because it is not preempted by another Federal statute. *Colorado Pub. Utilities Comm'n* v *Harmon*, No. 89–1288 (10th Cir. Dec. 18, 1991), reversing No. 88–Z–1524 (D. Colo. 1989).

In issuing its preemption determinations under the HMTA, RSPA is guided by the priniciples enunciated in Executive Order No. 12, 612 entitled "Federalism" (52 FR 41685, Oct. 30, 1987). Section 4(a) of that Executive Order authorizes preemption of state laws only when the statute contains an express preemption provision, there is other firm and palpable evidence of Congressional intent to preempt, or the exercise of state authority directly conflicts with the exercise of Federal authority. The HMTA, of course, contains several express preemption provisions, which RSPA has implemented through regulations.

2. The Application for a Preemption Determination

On November 25, 1991, the National Tank Truck Carriers, Inc. submitted the following application for a preemption determination:

Before the Research & Special Programs Administration, United States Department of Transportation

In the matter of: A request for a Preemption determination with respect to: Certain laws and regulations of the Commonwealth of Massachusetts requiring audible warning devices on cargo tank motor vehicles used to deliver gasoline and other flammable material.

Filed by: National Tank Truck Carriers, Inc., 2200 Mill Road, Alexandria, VA 22314, (703) 838–1960, Clifford J. Harvison, President.

November 25, 1991.

Before the Administrator:

This petition for a preemption determination is filed by National Tank Truck Carriers, Inc. (NTTC). NTTC is a national trade association, the members of which specialize in the transportation of hazardous materials, hazardous substances and hazardous wastes in cargo tank motor vehicles, throughout the continental United States. Specific to this petition, it would be noted that many of our members conduct transportation operations, including loading, unloading and storage incidental thereto, within the Commonwealth of Massachusetts.

Subject of This Petition

Chapter 90, section 7 of the Motor Vehicle Laws of the Commonwealth of Massachusetts specifies (in part), "Every bulk tank vehicle, or trailer weighing, with its load, more than twelve thousand pounds, and used to deliver gasoline or other flammable material, shall be equipped with an audible warning system when the vehicle's transmission is in reverse." (Note—for the sake of brevity, throughout this petition, NTTC will use the phrase "back up alarm" when referring to this requirement.)

Object of This Petition

NTTC believes that, pursuant to section 112(a) of the Hazardous Materials Transportation Uniform Safety Act of 1990 (HMTUSA), the above-noted requirement of the Commonwealth is preempted; and, we respectfully ask the Administrator to initiate a "Preemption Determination" in this matter.

Basis of This Petition

NTTC acknowledges that neither the Hazardous Materials Regulations (HMR) nor the Federal Motor Carrier Safety Regulations (FMCSR) specify requirements for back up alarms. Simply stated, there is nothing in title 49 CFR which would either require installation and use of such a device on a cargo tank motor vehicle, or prohibit such installation and use.

By the same token, Massachusetts has created a nexus between mandated installation and use of the device by specifying such installation and use only on a "* * * bulk tank vehicle * * * used to deliver gasoline and other flammable products." Without question, "gasoline and other flammable products" are hazardous materials (as designated by the Secretary), and subject to the regulatory jurisdiction of the Administrator.

Therefore, NTTC submits that the net effect of the Massachusetts law is to question the adequacy of the Administrator's regulations by the unilateral imposition of an equipment requirement only on vechicles transporting specified hazardous materials. We hold that such action is impermissible and must be preempted under Section 112 of HMTUSA.

Argument

In Inconsistency Ruling No. IR–22; Docket IRA–40A (issued: December 2, 1987), the Administrator discussed various "non containment" directives of the City of New York's Bureau of Fire Protection (BFP). Among such directives were: bumpers, drive axles, chassis weight, dedicated use, fuel tanks, brakes and electrical systems. These elements were consolidated in four BFP directives under review by RSPA.

In the relevant portion of his ruling, the Administrator stated:

"* * * virtually all of the provisions of those directives are 'triggered' by the transportation of hazardous materials (i.e. they do not apply to all vehicles or all trucks but only to those carrying specified hazardous materials.), fall within these exclusively Federal regulatory areas, and, therefore, are inconsistent with the HMTA and the HMR and thus preempted. No comparison with FMCSR provisions is necessary."

We note that, in this ruling, the Administrator did find directives which required rags or cotton waste to be kept in a metal container and New York City's "savings clause" to be consistent. These factors are neither comparable nor relevant to the issue raised in the petition.

Similarly, we are aware of the fact that, in IR–2 (dealing with specified regulations of the State of Rhode Island), the Administrator found "consistent" a mandate for certain vehicles to contain a "* * * two way radio". Relying on testimony given by Rhode Island officials in a related action in Federal District Court, the Administrator noted (the official's opinion) that the regulation could be complied with by use of a "CB radio". Based on that fact, the Administrator ruled that "non containment" requirement to be "consistent".

As in the above-noted reference to "rags or cotton wastes" and New York's "Savings Clause", the Administrator's ruling (regarding the "CB Radio") is neither comparable nor relevant to this proceeding. Unlike a "back up alarm", a "CB Radio" is not permanently installed in the vehicle and requires no mechanical alteration to the vehicle.

We submit that the Massachusetts requirement—in terms of its impact on the Congressional mandate for "* * * consistency in laws and regulations dealing with the transportation of hazardous materials—is inconsistent as a matter of law, and must be preempted.

Conclusion

There can be little doubt that the Administrator has comprehensive jurisdiction with respect to the issue raised, herein. Like the situation in New York, the Massachusetts requirement is "non containment" and is "triggered" by the hazardous nature of the vehicle's cargo. Regulations impacting the transportation of hazardous materials—particularly as they relate to vehicle equipment—are exclusively Federal.

As a party of interest to hazardous materials transportation, the Commonwealth has every right to petition the Administrator for appropriate regulatory amendment, but the Commonwealth has yet to exercise that option. Instead, Massachusetts has chosen to unilaterally impose a vehicle equipment standard, the singular impact of which is on the transportation of specified hazardous materials. Again, the net effect of Massachusetts' action is to question the adequacy of the Administrator's regulations.

We respectfully ask the Administrator to institute a "Preemption Determination" (in this matter); and, after public notice and comment, find Massachusetts' requirement for, "Every bulk tank vehicle, or trailer weighing, with its load, more than twelve thousand pounds, and used to deliver gasoline or other flammable material (to be) equipped with an audible warning system when the vehicle's transmission is in reverse", to be inconsistent with the HMR.

Respectfully submitted:

Clifford J. Harvison,

President.

On January 3, 1992, the applicant, as required by 49 CFR 107.205, perfected its application by providing a copy of its application to the Registrar of Motor Vehicles of the Commonwealth of Massachusetts.

3. Public Comment

Comments should be limited to the issue of whether the cited Massachusetts requirement is preempted by the HMTA. Comments should specifically address the "substantively the same," "dual compliance" and "obstacle" tests described in the "Background" section. Comments also should address the issue of whether the requirement is "otherwise authorized by Federal law."

Persons intending to comment on the application should review the standards and procedures governing the Department's consideration of applications for preemption determinations found at 49 CFR 107.201–107.211.

Alan I. Roberts,

Associate Administrator for Hazardous Materials Safety.

Issued in Washington, DC on March 16, 1992.

[FR Doc. 92–6642 Filed 3–20–92; 8:45 am]

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Monday
March 23, 1992

Part V

Department of the Treasury

Fiscal Service

31 CFR Part 205
Federal Funds Transfers, Cash Management Improvement Act of 1990; Proposed Rule

DEPARTMENT OF THE TREASURY

Fiscal Service

31 CFR Part 205

Federal Funds Transfers

AGENCY: Financial Management Service, Fiscal Service, Treasury.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Financial Management Service issues this Notice of Proposed Rulemaking for a regulation to implement the Cash Management Improvement Act of 1990. This statute and proposed regulation impose a requirement for timely transfers of funds between Federal agencies and States, and impose a requirement to pay interest where transfers are not made in a timely fashion. The rulemaking is designed to encourage the development of efficient cash management systems and to ensure equity in the transfer of funds from Federal agencies to States and ultimately to program recipients.

DATES: Comments must be received on or before May 7, 1992.

ADDRESSES: Send written comments to: Financial Management Services (FMS), CMIA 90 Project Manager, room 521C, 401 14th Street SW., Washington, DC 20227.

FOR FURTHER INFORMATION CONTACT:
John Galligan, (Program Manager), (202) 874–6935,
Gary Grippo, (Program Specialist), (202) 874–6955,
Christopher Kubeluis, (Program Specialist), (202) 874–6873,
Steven D. Laughton, (Principal Attorney), (202) 874–6680.

SUPPLEMENTARY INFORMATION: This regulation is authorized by the Cash Managemernt Improvement Act of 1990, Public Law 101–453, October 24, 1990, (CMIA), whose substantive provisions are codified at 31 U.S.C. 3335 and 6503. CMIA centralizes authority for management of funds disbursement in the Secretary of the Treasury (hereinafter Secretary). It requires the Secretary to regulate and enforce timely disbursement by Federal agencies, and to negotiate and monitor agreements with the States to achieve the efficient transfer of Federal funds. The purpose of CMIA and this regulation is to ensure greater efficiency, effectiveness, and equity in the exchange of funds between the Federal Government and the States.

Until passage of CMIA, the only law that addressed the timing of Federal funds transfers to States was the Intergovernmental Cooperation Act, 31 U.S.C. 6503. This law allowed a State to retain for its own purposes any interest earned on Federal funds transferred to a State "pending its disbursement for program purposes."

Since passage of that law in 1968, Federal agencies have expressed concerns that States were drawing down Federal funds well in advance of the time those funds were needed by States to redeem checks. These premature drawdowns caused the Federal Government to lose interest earnings.

In addition, States had expressed concerns about having to pay out their own funds in advance of receiving funds from the Federal Government. This practice caused States to lose interest earnings on their own funds until they were reimbursed by the Federal Government.

To find solutions to these problems, the Joint Federal/State Cash Management Reform Task Force was created in 1983. It included six State officials and six Federal officials. The Task Force experimented with various cash management tracking procedures in a number of States, and made recommendations which assisted in the adoption of CMIA.

General Principles

These regulations are intended to convey the following:

- The use of recognized, sound cash management principles will ensure certainty in the timeliness of payments and will improve business relationships between the Federal and State governments.
- States have an obligation to request funds timely.
- Federal agencies have an obligation to disburse funds to States timely.
- Nothing in the regulations implementing CMIA reduces existing Federal agency responsibilities to minimize balances that may be on hand before there is a need for disbursement by a State.
- The computation and payment of interest is not the objective of the law. The interest provisions are intended to make the terms under which funds are transferred more equitable and to provide an incentive for better cash management.
- This regulation specifies that funding techniques are to be chosen by States subject to the approval of the Secretary. The Secretary considers funding techniques that necessarily result in interest liabilities to be undesirable. They will be acceptable only until a more efficient technique can be mutually agreed upon. To ensure optimal compliance with the spirit of CMIA, the Secretary expects that both the States and the Federal Government will structure their transactions to minimize and, wherever possible, eliminate interest payments. However, the Secretary will not impose a funding technique that is not workable.
- It is the Secretary's goal to ensure payment by Federal agencies for all properly received State requests for funds by the payment due date. This commitment to timely payment is a major step forward in reducing or eliminating the exchange of interest.
- The Secretary will make all reasonable efforts to enter into an Agreement with each State to define all provisions and procedures unique to the State in complying with the codified regulations. The State/Federal Agreement will address those elements which are specific to each State, such as: "Definition of a State"; "Funding Techniques"; and "Interest Calculation Methodology." There are default provisions in the proposed regulation for any State for which an Agreement cannot be reached.

Specific Issues

Phase-In and Threshold

The proposed regulation would phase-in CMIA over a 2-year period and would establish a threshold of materiality for programs which must be conducted in accordance with CMIA. A phase-in is proposed to alleviate the burdens implicit in complying with new regulations, to distribute start-up work and costs over a 2-year period, and to mitigate any unexpected problems which may result from the regulation. During the first year of implementation, the scope of the regulation would be limited to major Federal assistance programs that have funding over one billion dollars at the Federal level. One billion dollars is chosen as a threshold because it results in covering roughly 80 percent of the Federal funds granted to States, while limiting the number of programs to 19.

From the second year of implementation onward, the proposed regulation establishes a threshold of materiality for programs which must be conducted in accordance with CMIA. All programs defined as "major Federal assistance programs," pursuant to the Single Audit Act, 31 U.S.C. 7501(12), would be included. There are several advantages to this threshold. First, it is the existing Federal threshold of materiality applied for the audits of programs administered by States. Second, it serves to limit the administrative burden and costs of compliance, while still covering, in most

cases, over 90% of the Federal program funds transferred to States. Finally, the threshold is only a minimum standard; additional programs may be covered, subject to the mutual agreement of the State and the Federal Government.

Questions have arisen about the treatment of guaranteed student loan programs under CMIA. The proposed regulation excludes the guaranteed student loan programs, because the funds paid out by guarantor organizations to operate the program are not State funds. The reserve accounts out of which payments are made are a type of working capital fund containing earmarked Federal funds. Interest earned on these funds by the guarantor organization, moreover, must be used for program purposes.

Delaying Implementation

In discussions with FMS, several States have argued for a delay in the onset of CMIA, indicating that the will not be able to implement new cash management procedures by October 24, 1992. The Secretary has no authority to delay the onset of the interest provisions of CMIA, and the statute is plain in this regard:

> [S]ubsections (c) and (d) of section 6503 of title 31, United States Code, as added by subsection (b) of this section (relating to payments of interest between the Federal Government and State governments), *shall* take effect 2 years after the date of enactment of this Act.

Hence, interest will begin accruing on October 24, 1992, notwithstanding any powers of the Secretary to write regulations or to negotiate agreements with States.

The Secretary recognizes, however, that some States may not be able to develop clearance patterns and implement new funding techniques by October 24, 1992. Through a limited Interim Agreement, the Secretary will allow such States until July 1, 1993, to put in place the required cash management techniques.

States entering an Interim Agreement will be required to calculate or estimate, retrospectively if necessary, the interest liabilities for the period from October 24, 1992 to June 30, 1993. The Secretary will be flexible and will make all reasonable efforts to accommodate States when defining the provisional interest calculation requirements for the initial period. Interim Agreements must also specify the funds transfer procedures a State will use. The Secretary intends to afford States flexibility in selecting procedures, and may agree to provisional procedures or conventions other than the four funding techniques set forth in § 205.5. On or before July 1, 1993, all Interim Agreements would lapse, and States would either have to comply with a full State/Federal Agreement or comply with the default regulations.

Thus, States have three options for the onset period from October 24, 1992 to June 30, 1993. First, they may enter into an Interim Agreement, which would include a provisional interest calculation method and provisional funds transfer procedures. Second, a State may enter into a full-fledge State/Federal Agreement and proceed with complete implementation. Third, a State could enter into no agreement and subject itself to the full scope of the default regulations.

Cost Recovery

The proposed regulation provides that States be compensated for the costs of developing and maintaining clearance patterns and for the costs required for the actual calculation of interest payments, up to a maximum of $30,000 per year. Costs in excess of $30,000 may be eligible for reimbursement only if a State can justify to the Secretary that without such costs the State would be unable to develop clearance patterns or perform the actual calculation of interest. In discussions with the FMS, some States contended that cost recovery should not be defined this way and that States should be reimbursed for all costs associated with the implementation of the law. Some Federal agencies contended that States should not receive any reimbursement under CMIA for their expenses in implementing the statute. In this matter, the draft regulation follows the guidance of the House of Representatives Committee Report on CMIA. That report notes that the statute is a compromise between the views of Federal and State officials, and establishes "that the States be directly reimbursed for those costs incurred by the States which would be considered unique to the cash management procedures required" by CMIA, and that such costs "would be those costs directly related to the interest calculations. . . ." House of Representatives Committee Report No. 696, 101st Congress, 2nd Session 9–11 (1990).

The FMS also shares the view expressed on page 10 of the same report that such costs will be "relatively minor." Furthermore, certain costs associated with CMIA are currently eligible for reimbursement under Office of Management and Budget (OMB) Circular A–87, such as developing and implementing new cash management policies and procedures, negotiating the State/Federal Agreements, or training State employees to implement new procedures. For these reasons, the FMS views the $30,000 cost reimbursement limit as reasonable. Because CMIA speaks of cost reimbursement only in connection with State/Federal Agreements, only those States that have entered into such an Agreement will be eligible for reimbursement. The FMS will routinely review State cost claims and disallow unreasonable costs. The Paperwork Reduction Act estimate of an annual reporting and/or recordkeeping burden of 250 to 750 hours per State will be used as a guideline for determining the reasonableness of a direct cost claim.

Direct costs incurred prior to July 22, 1991, will not be eligible for reimbursement, unless a State makes separate application to the Secretary with justification and documentation. Normally, costs incurred prior to the publication of a Final Rule are ineligible for reimbursement. In the case of CMIA, however, start-up costs are necessary, and the Final Rule will be published within months of the October 24, 1992, implementation date. For these reasons, costs incurred after July 22, 1991, rather than after the date of the Final Rule, will be eligible for reimbursement. July 22, 1991, is chosen because it was the date the FMS circulated a pre-clearance draft of these regulations to all States and other interested parties.

Definition of a State

The definition of a "State" has been a troublesome issue for some States. According to CMIA "'State' means a State of the United States, the District of Columbia, a territory or possession of the United States, and an agency, instrumentality, or fiscal agent of a State but does not mean a local government of a State." The issue has been most controversial when considering whether entities with some measure of autonomy, like public universities in many States, should be considered part of the State for CMIA purposes.

The proposed regulation provides for using the United States Bureau of the Census' lists of Dependent State Agencies as the basis for developing an inclusive list, to be contained in the State/Federal Agreement, of all entities considered to be agencies, instrumentalities or fiscal agents of the State. States will be afforded the opportunity to propose adjustments to the Census Bureau list, accounting for any misrepresented or omitted entities. Examples include agencies or departments that have been created or disbanded since the last update of the list, and any entity for which the State

can provide justification acceptable to the Secretary for exclusion as part of the State for purposes of this regulation. Since this proposed regulation applies to all major Federal assistance programs, States and Federal agencies should be advised that State colleges and universities, public authorities, and other entities on the Census Bureau list are subject to this proposed regulation if they receive funding under a major Federal assistance program. Thus, while the Secretary may agree to a 1-year grace period for States that do not have direct fiscal control over such entities, in many cases States will be required to develop plans to cover them.

Additionally, while this Notice of Proposed Rulemaking specifies the use of Census Bureau standards as explained above, the Secretary is considering other options for defining "State." One possibility is to use generally accepted accounting principles defining the State reporting entity. Another option is to use a definition derived from OMB Circulars on grant administration requirements. State entities subject to OMB Circular A–102 could be covered by CMIA, and State entities subject to A–110 (institutions of higher education, hospitals, and other non-profit organizations) could be excluded from the provisions of CMIA. A third option is to use a program-driven definition, where all State entities that administer programs above a funding threshold would be considered part of the State for the purposes of CMIA.

The Secretary recognizes the importance of this issue and continues to solicit comments from States and professional associations on the definition of "State" for the purposes of CMIA.

Indirect Costs/Administrative Expenses

Some States and Federal agencies have indicated that due to the complexities of cost accounting for Federal programs and the difficulty of assigning and charging an indirect or administrative expenditure to a specific drawdown under a particular program, in most cases the effort and costs required to calculate interest liabilities for such transfers will be disproportionate to any benefits derived. Therefore, the regulation provides some options for the States. It lists three conventions which a State may choose for the funding of administrative and overhead type costs. For example, one convention is to key the transfer of funds for administrative expenses to a State's salary and wage run, since payroll represents about 70–80 percent of total administrative costs. If a State opts to use one of the conventions, no interest liabilities will accrue on the transfer of funds for administrative expenses or indirect costs. These conventions are intended to be cost efficient and equitable alternatives that would still provide certainty and efficiency in the transfer of funds. However, a State may apply some other drawdown convention or funding procedure for administrative expenses/indirect costs, subject to the approval and agreement of the Secretary. The State/Federal Agreement will specify rules for the accrual of interest in conjunction with any funding techniques agreed upon for these costs.

Interest Calculation Methodology

States and Federal officials have expressed concern that mandating an interest calculation methodology in the regulations would be inconsistent with the variety of administrative, banking, and accounting systems used by States. Therefore, States will be able to specify, in the State/Federal Agreement, their own methodology for calculating interest, subject to the general guidelines of the proposed regulation and the approval of the Secretary. An interest calculation method will be prescribed in the regulations only for those States that have not entered into a State/Federal Agreement.

Federally Mandated Reimbursable Funding Programs

The treatment of reimbursable funding programs under CMIA has been controversial. Reimbursable funding programs are programs for which Federal law mandates that a State must pay out its own funds before it is eligible to receive Federal funds.

Some States have contended that the Federal Government should be liable for interest from the day a State pays out its own funds until the day it is reimbursed by the Federal Government, without restriction or limitation. Federal agencies, on the other hand, contend that it would be unreasonable for the Federal Government to incur an interest liability prior to the day a State requests reimbursement, because the Federal Government would have a limitless liability for transactions over which it has no control or knowledge. They argue that the statutory goals of efficient and effective cash management mean that States should receive no interest before submitting a bill.

For Federally mandated reinbursable funding programs, the proposed regulation does not limit a State's entitlement to interest prior to requesting funds or billing. A State will be entitled to interest from the day the State expends its own funds until the day the State is reimbursed, without restriction.

The Secretary strongly encourages States to request funds, or bill, in a timely manner for mandatory reimbursable funding programs. Allowing interest to accrue for an unlimited period prior to the submission of bills may subsidize and encourage structural and administrative inefficiencies in State cash management systems, which is inconsistent with the stated purpose of the law. Accordingly, Federal agencies may allow States to make interim drawdowns, based on estimates, even when final requests must be submitted with reports.

Federal-Aid Highway Programs

For Federal-aid highway programs and projects, no Federal interest liability will accrue prior to the day the Federal Highway Administrtion (FHWA) receives a request for funds. This rule is needed for the following reasons.

First, any Federal interest liability for Federal-aid highway programs has the effect of reducing the funds available to States for program purposes. CMIA requires that interest paid to a State under a trust fund program must be charged against the trust fund. (Interest paid to a State for other programs will be charged against the General Fund of the Treasury.) Therefore, any interest paid to a State for Federal-aid highway programs must be charged against the Federal Highway Trust Fund. If a Federal interest liability is allowed to accrue prior to the day States submit bills, the interest charged against the trust fund is likely to substantially reduce trust fund balances, and thus reduce the funds available for program purposes.

Furthermore, if the Federal Government were to pay interest on State billing float for the Federal-aid highway programs, the result would be that States with efficient billing systems would subsidize those with less efficient systems. Only those States that did a poor job of billing would be paid interest. However, the total funds available for all highway projects would be reduced. Efficient States would not receive any interest payments, but would suffer along with the others as a result of the diminution of the funds available for program purposes.

It is not the intent of CMIA, directly or indirectly, to have a negative material effect on trust fund balances. Thus, while the rule for Federal-aid highway programs does not eliminate interest charges against the Federal Highway Trust Fund, it ensures that the

obligatory accounting convention for trust funds will not result in an unintended material effect on the corpus of the trust.

As trustee of the Federal Highway Trust Fund, the Secretary believes this policy to be a reasonable and necessary step in fulfilling the fiduciary responsibility of administering the trust. The corpus of the Federal Highway Trust Fund would be materially diminished if States are to be paid interest on their billing float, and the investment proceeds of the trust should not be used to subsidize or indemnify inefficient billing practices by States.

Second, the regulation governing billing for the FHWA programs, (23 CFR 140.105), reads as follows: "In preparing a progress voucher, all eligible costs shall be included, provided a recorded liability exists or a cash disbursement has been made." Hence, States may bill the FHWA once they have recorded the expenditure, prior to issuing checks and prior to actullly paying out funds for program purposes. It is therefore a misnomer to call the FHWA programs "reimbursable," since States can bill well in advance of actually redeeming checks. Because States may bill on an accrual basis and because the proposed regulation requires Federal agencies to allow States to bill as often as daily, there is nothing to prevent States from applying one of the funding techniques set forth in § 205.4 of the proposed regulation, particularly the average date of clearance technique, which would facilitate billing and accounting for FHWA programs.

Discussions with State and Federal officials have provided further support for the proposed rule on FHWA programs, because it has become clear that several States bill and receive funds from the FHWA in advance of paying out their own funds. Simply put, Federal funding for FHWA programs does not under current practices necessarily differ from Federal funding for advance programs.

Pre-Clearance Draft

A pre-clearance draft of the regulations dated July 22, 1991 was disseminated to States, Federal agencies and other interested parties. Over half of the States responded with comments, as did the National Association of State Auditors, Comptrollers, and Treasurers, ten Federal agencies and the Federal Reserve. As a result of these comments, the FMS made several changes to the draft regulations, which are reflected in this Notice of Proposed Rulemaking.

The FMS considered and rejected a requirement that States submit a mid-year status report. This requirement has been withdrawn due to skepticism about its cost effectiveness, expressed by both State and Federal officials. This report was intended to serve as an "early warning" mechanism by which the States and the Federal Government could highlight inefficient cash management and assess and forecast potential interest exposure prior to the year and calculation of interest. In the absence of the mid-year report it will be incumbent upon Federal and State officials to prepare informally throughout the year for the potential requirement to exchange interest.

Unemployment Trust Fund and Programs

Due to the unique characteristics of the Unemployment Trust Fund (UTF), CMIA contains specific language addressing it. This is reflected in this regulation, which contains a separate section (Subpart B) to deal with the UTF programs.

Unemployment Insurance (UI) is a UTF program that pays benefits to qualified workers who are unemployed and available for work. Each State has its own UI laws, which must conform to a specific set of Federal requirements, and is responsible for determining who is eligible for benefits, the amount of benefits, and the duration of benefits.

The cash flows involved in the UI program are as follows:

a. The UI benefits are primarily financed by State taxes (contributions) on employer payrolls. States deposit employer contributions into clearing accounts in commercial banks from which they are transferred electronically to individual State accounts in the UTF in the Treasury, established by section 904 of the Social Security Act (SSA), 42 U.S.C. 1104. Section 303(a)(4) of the SSA, 42 U.S.C. 503(a)(4) and section 3304(a)(3) of the Federal Unemployment Tax Act (FUTA), 26 U.S.C. 3304(a)(3) require the immediate payment of all money received in the unemployment fund of a State to the Secretary of Treasury to the credit of the UTF. State accounts in the UTF consist of deposits of employer contributions required by State UI laws, reimbursements in lieu of contributions, reimbursements from States for transferring unemployment benefit payments made under the Interstate Arrangement for Combining Employment and Wages, recoveries of benefit overpayments, employee contributions, and, where applicable, penalty and interest. Penalty and interest may be excluded only if the State UI law provides for the payment of such collections to another State fund.

b. State UTF balances not immediately needed to pay benefits are invested by the Treasury, primarily in U. S. Government securities, with earnings deposited in individual State accounts in the UTF (SSA, section 904(b), 42 U.S.C. 1104(b)).

c. Funds requisitioned to pay benefits are transferred electronically to State benefit payments accounts, generally in commercial banks, to fund benefit checks or warrants drawn on such accounts. Section 303(a)(5) of the SSA, 42 U.S.C. 503(a)(5) and section 3304(a)(4) of the FUTA, 26 U.S.C. 3304(a)(4) require that all money withdrawn from the unemployment fund of a State be used for the payment of unemployment compensation exclusive of expenses of administration.

The withdrawal requirements of the SSA and the FUTA are affected by CMIA. Section 5(b) of CMIA, 31 U.S.C. 6503(c)(3)(B) addresses the special treatment of interest computation and exchange for funds drawn from State accounts in the UTF. States are permitted to invest residual daily balances in benefit payment accounts (see c. above), use earnings generated by those balances to pay "related banking costs" for maintaining those accounts, and return interest earnings in excess of "related banking costs" to the UTF annually.

The legislative history of the SSA and the FUTA indicate that the security and integrity of unemployment funds is the first priority of UI cash management. Liquidity and return on investment are important considerations, but secondary to security and intergrity considerations. This regulation supports that position and sustains the withdrawal requirements of the SSA and the FUTA within the framework of CMIA specifically by limiting investment of unemployment funds in State benefit payment accounts and requiring insurance/collateralization of all unemployment funds residing outside the UTF.

All existing provisions and requirements of the SSA, the FUTA and Department of Labor (DOL) regulations and policy apply to unemployment fund cash management with the following exceptions:

a. Benefit payment account balances may be invested in interest-bearing accounts and/or overnight reverse repurchase agreements of U.S. Government securities.

b. Earnings on those investments may be used to pay the related bank costs of State benefit payment account maintenance. Any excess earnings (i.e., amounts in excess of "related banking costs"), must be returned in full to the State's account in the UTF annually. The

restriction on the use of unemployment funds exclusively to pay benefits remains. Funds may not be drawn from the UTF for the purposes of investment or for the purpose of paying bank charges. Bank charges may be paid only with earnings on secured and/or insured investments.

Transfers to Non-State Entities

Subpart C is not a result of CMIA implementation. It is revision to the existing regulation at 31 CFR part 205, "Withdrawal of Cash from the Treasury for Advances Under Federal Grant and Other Programs." Subpart C is intended to be a shorter and clearer restatement of the rules contained in the existing 31 CFR part 205. It is not intended to make substantive changes in this area. It will govern transfer to non-State entities and State entities not covered by, or otherwise outside the Scope of subpart A, as defined by § 205.3. The interest provisions of the CMIA do not apply to subpart C, although all relevant provisions of OMB circulars do apply, including those dealing with the accrual of interest.

Record Retention

The proposed regulation requires States to retain records supporting interest calculations and clearance patterns for 5 years. The 5-year retention period is necessary because a State may use clearance pattern models, which are needed to schedule drawdowns and calculate interest, for up to five years before recertifying their accuracy. The records supporting clearance patterns need to be retained until a State is required to revisit the clearance pattern calculations.

Oversight

Compliance with this proposed regulation and with the requirements of CMIA will be monitored in several ways. The Secretary expects that States will be audited for compliance annually, through Single Audit procedures. Additionally, the Secretary may request Federal agencies to conduct audits of States, and will coordinate with the agencies to ensure that State compliance is investigated during on-site reviews. Annual reports submitted by States will be cross-checked for accuracy by both the Secretary and Federal agencies. Finally, States must make all records relating to CMIA available for review by the Secretary and the Federal agency Inspectors General, upon 30 days written notice.

Federal agencies will be evaluated for compliance with CMIA during the Secretary's periodic cash management reviews. Annual Reports submitted by States will be used to monitor the performance of Federal agencies, and when an agency is egregiously or repeatedly untimely in its payments, the Secretary may exact a charge against the agency's operating appropriation.

OMB Circulars

The OMB Circulars referenced in this proposed regulation may be obtained from the Office of Management and Budget, New Executive Office Building, 725–17th Street NW., Washington, DC 20503.

Public Comment

Public comment is solicited on all aspects of this proposed regulation. The FMS will consider all comments made on the substance of this proposed regulation, but does not intend to hold hearings on it.

Regulatory Analysis

It has been determined that this document is not a major regulation as defined in E.O. 12291 and a regulatory impact analysis is not required. Some States may have to make interest payments to the Federal Government for the use of Federal funds, but such costs are not expected to be major within the meaning of E.O. 12291. The provision for the reimbursement of the costs directly incurred by States in computing interest will reduct the economic impact of the regulation. In any event, the economic consequences of the regulation will be a direct result of the statutory mandate of CMIA.

Regulatory Flexibility Act

It is hereby certified that this regulation will not have a significant economic impact on a substantial number of small entities. Accordingly, a regulatory flexibility analysis is not required. The States which will be affected by Subparts A and B of this regulation do not fit within the Regulatory Flexibility Act definition of "Small entity," 5 U.S.C. 601. Furthermore, as explained in the preceding paragraph, the economic impact is not expected to be major. The rules in subpart C of the draft regulation are not a substantive change from the existing rules at 31 CFR part 205.

Paperwork Reduction Act

The collections of information contained in this Notice of Proposed Rulemaking have been submitted to the Office of Management and Budget for review in accordance with the Paperwork Reduction Act of 1980, 44 U.S.C. 3505(h). Comments on the collections of information should be sent to the Office of Management and Budget, Paperwork Reduction Project (1510–AA19), Washington, DC 20503, with copies to the Financial Management Service at the address specified at the beginning of this notice. The collection of information in this proposed regulation are in §§ 205.4, 205.8, 205.12 and 205.13. This information is required by the FMS to verify compliance with statutory requirements. This information will be used for purposes of reporting and verifying interest claims. The respondents are State governments.

Estimated total annual reporting and/or recordkeeping burden: 28,000 hours.

The estimated annual burden per respondent/recordkeeper varies from 250 hours to 750 hours, depending on individual circumstances, with an estimated average of 500 hours.

Estimated number of respondents and/or recordeepers: 56 (the fifty States, five territories and the District of Columbia).

Estimated annual frequency of responses: 1.

List of Subjects in 31 CFR Part 205

Grant programs, Grants administration, Intergovernmental relations, Electronic funds transfers.

Authority and Issuance

For the reasons set forth in the Preamble, part 205 of title 31, Code of Federal Regulations, is proposed to be revised to read as follows.

PART 205—FEDERAL FUNDS TRANSFER PROCEDURES

Subpart A—Major Federal Assistance Programs Administered by States

Sec.

Subpart B—The Unemployment Trust Fund (UTF)

Authority: 5 U.S.C. 301; 31 U.S.C. 3335, 6501, 6503.

Subpart A—Major Federal Assistance Programs Administered by States

§ 205.1 Purpose.

This subpart prescribes the rules for the transfer of funds between the Federal Government and the States for Federal programs subject to Public Law 101–453, the Cash Management Improvement Act of 1990 (hereinafter referred to as CMIA).

§ 205.2 Definitions.

For the purpose of this part:

Advance funding program means a program for which a State can request and receive Federal funds on or before the day funds are paid out for program purposes.

Authorized State Official means the Governor, Comptroller, Treasurer or any other State representative who possesses the legal authority to commit the State for the purposes of this regulation, or such official's designee as certified in writing.

Average clearance means a method of transferring funds to a State on the dollar-weighted average number of days after disbursement required for EFT payments to be settled and for checks to be presented.

Certified reports means reports whose accuracy and content are verified and signed by an Authorized State Official.

Check means a negotiable demand draft or warrant.

Clearance pattern means a statistical model showing the proportion of a total amount disbursed that is debited against the payor's bank account each day.

Day means a calendar day unless specified otherwise.

Disallowance means a decision by a Federal agency that a recipient was not entitled, in whole or part, to funds awarded for a particular claim.

Disburse means the issuance of check or initiation of an EFT payment.

Discretionary grant means an award made under a Federal program in which a Federal agency is statutorily authorized to exercise judgment in selecting the grantee, generally through a competitive process.

Drawdown means any process whereby States request and receive Federal funds. The phrase "draw down" is used as a verb form of this word.

Electronic funds transfer (EFT) means any transfer of funds, other than a transaction originated by check or similar paper instrument, that is initiated through an electronic terminal, telephone, or computer or magnetic tape, for the purpose of ordering, instructing, or authorizing a bank to debit or credit an account. The term includes Fedwire transfers, Automated Clearing House (ACH) transfers, and transfers made at automated teller machines and Point-Of-Sale (POS) terminals.

Equivalent rate means auction average equivalent yield, also known as the auction average investment rate of 13-week Treasury bills.

Estimated clearance (previously known as Delay-of-Draw) means a method of transferring Federal funds to a State on the date the funds are estimated to be paid out based on a clearance pattern.

Federal agency means any executive agency of the United States government, except for the Tennessee Valley Authority (TVA). (The TVA is statutorily excluded from this regulation.)

Federally mandated reimbursable funding program means a program for which Federal law mandates that a State make actual cash outlays of State funds for program purposes before the State can receive Federal funds.

Federal program or *program* means the range of activities generally encompassed under, and classified by, a unique Catalog of Federal Domestic Assistance number (CFDA #).

For program purposes means to fulfill the objectives of a Federal program. In the context of State payments of funds, it refers to making payments to non-State persons or organizations, or payments to the persons or organizations (including State agents and instrumentalities) that are the ultimate recipient of funds being disbursed. It does not include payments to intermediary grantees that are agents or instrumentalities of the State, as illustrated in the following examples.

Example 1: On Day 1, $1 million is transferred from the Federal Government to a central bank account of the State and subgranted (transferred) from the State to its Department of Human Resources. On Day 3, the funds are disbursed to Aid to Families with Dependent Children program (AFDC) recipients and presented for payment according to the following clearance pattern:

Day	Percent of $'s debited from the bank account
1 State receives $1 million and subgrants (transfers) it to the State Department of Human Resources	
2	
3 Checks issued to program recipients	0
4	0
5	0
6	30
7	50
8	10
9	10

Because funds are not considered paid out "for program purposes" until they are paid out to non-State persons or organizations (or the ultimate recipients), in the above example the State would accrue an interest liability to the Federal Government as follows: 5 days on $300,000; 6 days on $500,000; 7 days on $100,000 and 8 days on $100,000.

Example 2: On Day 1, $1 million is transferred from the Federal Government to a central bank account of the State and subgranted (transferred) from the State to a county government the same day. The funds clear the county's bank according to the same clearance pattern as in Example 1. However, because the funds were transferred to a non-State organization (i.e. the local government), and thus considered paid out "for program purposes" the same day they were received from the Federal Government, there would be no accrual of a State interest liability.

Head of an agency means the chief official of a Federal agency, or the authorized representative of such chief official.

Major Federal assistance program is defined in appendix A to subpart A of this part as derived from the Single Audit Act of 1984 at 31 U.S.C. 7501(12).

Obligational authority means the authority to obligate funds which is conferred upon a State when a Federal agency awards the State a grant, whereby the Federal Government provides funds or aid in kind to the State to carry out specified programs, services, or activities.

Pay out means to debit the payor's bank account for purposes of making a payment by EFT or check.

Pre-issuance funding (previously known as Checks Issued-Interest Remitted) means a method of tranferring Federal funds to a State whereby the State draws down the funds in advance of issuing payments via EFT or check.

Recipient means a person or organization outside the Federal Government receiving funds under Federal grant and other programs. *Primary recipient* means a recipient receiving funds directly from the Federal Government. *Subrecipient* means a

recipient receiving funds directly from a primary recipient or through another subrecipient.

Refunds means recoveries of funds previously paid out for program purposes, rebates, and other types of program income that are subject to return to the Federal Government.

Request for funds means a solicitation for funds that is submitted in accordance with Federal agency guidelines.

Secretary means the Secretary of the Treasury of the United States or his representative. The Financial Management Service shall act as the secretary's representative for all matters pertaining to this Act unless otherwise specified.

State means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, the Virgin Islands, and the agencies, instrumentalities, or fiscal agents of a State, but does not include a local government within a State or a Federally recognized Indian tribal government. The United States Bureau of the Census' lists of dependent agencies for each State will be used as the initial basis for determining State agencies, instrumentalities, and fiscal agents. The listed agencies, instrumentalities, and fiscal agents, any successor entities, and any newly created entities of the State that administer Federal programs will be used for purposes of this Subpart.

State agent means any person or organization who transacts business on behalf of the State. Examples include a bank or any person or organization conducting banking or other fiscal services for the State.

Supplemental grant means an award granted as an addition to a quarterly, annual or other grant, when funds are exhausted before the end of the grant period.

Trust funds for which the Secretary is the trustee means trust funds administered by the Secretary.

Zero balance accounting (previously known as Checks Paid) means a method of transferring Federal funds to a State on the date funds are paid out.

§ 205.3 Scope.

(a) From October 24, 1992, to the end of each State's 1993 Fiscal Year, this Subpart applies, at a minimum, to the following programs, provided that they are major Federal assistance programs in a State's 1992 Fiscal Year or are estimated by the State to be major Federal assistance programs for its 1993 Fiscal Year:

Medical Assistance Program (CFDA 93.778);
Supplemental Security Income (CFDA 93.807);
Unemployment Insurance (CFDA 17.225);
Highway Planning and Construction (CFDA 20.205);
Family Support Payments to States (CFDA 93.020);
Chapter 1 Programs—Local Educational Agencies (CFDA 84.010);
Pell Grant Program (CFDA 84.063);
National School Lunch Program (CFDA 10.555);
Social Services Block Grant (CFDA 93.667);
Job Training Partnership Act (CFDA 17.250);
Foster Care—Title IV–E (CFDA 93.658);
Special Supplemental food Program for Women, Infants, and Children (CFDA 10.557);
Special Education—State Grants (CFDA 84.027);
Rehabilitation Services—Basic Support (CFDA 84.126);
State Administration Matching Grants—Food Stamp Program (CFDA 10.561);
Alcohol and DRug Abuse and Mental Health Services Block Grant (CFDA 93.992);
Child Support Enforcement (CFDA 93.023);
Low-Income Home Energy Assistance (CFDA 93.028);
Job Opportunities and Basic Skills Training (CFDA 93.021).

(b) From the beginning of each State's 1994 Fiscal Year and thereafter, this Subpart applies, at a minimum, to all major Federal assistance programs. Major Federal assistance programs will be determined based on expenditures from the most recent Fiscal Year for which complete Single Audit data is available from the U.S. Bureau of the Census, or on estimated funding, supported by documentation, for a State's upcoming Fiscal Year.

(c) Additional programs may be covered by this Subpart, subject to the mutual agreement of a State and the Secretary in a State/Federal Agreement.

(d) This Subpart does not apply to payments made to States acting as vendors on Federal contracts, which are subject to the Prompt Payment Act of 1982, as amended, 31 USC 3901 *et seq.*, OMB Circular A–125 "Prompt Payment," and the implementing regulation at 48 CFR part 32.

(e) This Subpart does not apply to the TVA or programs administered by the TVA.

§ 205.4 Funding techniques.

(a) *Choosing funding techniques.* The following funding techniques will be made available for selection by a State for advance funding programs, subject to the approval and agreement of the Secretary:

(1) *Zero balance accounting.* Using a zero balance account, a State requests Federal funds prior to a cutoff time the day EFT payments are settled or checks are presented at State banks. Interest liabilities will not normally be incurred.

(2) *Estimated clearance.* Based on a clearance pattern, a State requests Federal funds prior to a cutoff time the day before EFT payments are scheduled to be settled or checks are expected to be presented at State banks. Interest liabilities will not normally be incurred.

Example: A State mails $1,000,000 in checks to benefit recipients for a Federally funded program. The State has developed the following check clearance pattern for the program, based on when checks have been historically presented for payment:

Day	Percentage of $'s paid out
0 (checks mailed)	0
1	0
2	0
3	0
4	40
5	30
6	15
7	10
8	5

On Day 3, the State requests 40 percent of the funds disbursed, or $400,000, and the Federal agency deposits funds in the State account on Day 4 to coincide with the expected presentment of 40 percent of the total disbursement. On Day 4, the State requests 30 percent of the funds to pay for checks presented on Day 5, and so on. Neither the State nor the Federal Government incurs an interest liability in this example. Furthermore, if the State draws down $400,000 to pay for checks presented on Day 4 and only $390,000 in checks are presented, the State will not incur an interest liability on the $10,000 of Federal funds left in its account. Over the long term, the amounts drawn down and the amounts of checks paid will converge to the historical clearance pattern.

(3) *Pre-issuance funding.* A State requests Federal funds before it initiates EFT payments or issues checks. A State will incur an interest liability to the Federal Government from the day Federal funds are credited to a State account until the day they are paid out for program purposes.

Example: Two business days before a State mails $1,000,000 in checks, it requests $1,000,000 from a Federal agency, which deposits the funds in a State account the next day. The State has developed the following check clearance pattern, based on when the

State's checks have historically been presented for payment:

Day	Percentage of $'s paid out
0 (funds deposited)	0
1 (checks mailed)	0
2	0
3	0
4	40
5	30
6	15
7	10
8	5

The State will owe the Federal Government 4 days of interest on 40 percent of the funds, or $400,000, since that amount will be paid out for checks presented 4 days after Federal funds are deposited in a State account. The State will owe 5 days of interest on 30 percent of the funds, or $300,000, 6 days of interest on 15 percent of the funds, and so on.

(4) *Other techniques.* The Secretary will approve other funding techniques that are mutually agreed upon by a State and the Secretary.

(b) *Average clearance.* A State may request approval to use an average day of clearance funding technique, where the State requests Federal funds the day before the dollar-weighted average number of days required for EFT payments to be settled and for checks to be presented at State banks. Interest liabilities will not normally be incurred.

Example: A State mails $1,000,000 in checks to contractors for a Federally funded program. The State has determined the average day of clearance, weighted by dollar amount, to be 5 days after checks are mailed:

Day	Percent of $'s paid out	Factor (day × percentage)
0 (checks mailed)	0	
1	0	
2	0	
3	0	
4	40	1.60
5	30	1.50
6	15	0.90
7	10	0.70
8	5	0.40
Average day of clearance		5.10

The State will request $1 million on day 4 and receive that amount on day 5, without the State or the Federal Government incurring an interest liability.

In determining the dollar-weighted average day of clearance, fractions of days will be rounded to the nearest whole number. The standards and maintenance requirements specified in paragraphs (c), (d) and (e) of this section applying to clearance patterns will apply to average day of clearance calculations.

(c) *Clearance patterns.* When required by the funding technique, clearance patterns will be used to schedule draw downs and to support the calculation of interest. A State may:

(1) Develop a separate clearance pattern for an individual program; or

(2) Develop a composite clearance pattern for a logical group of programs which have the same disbursement method and which can reasonably be expected to have comparable clearance activity. For example, three programs with payments delivered by check to individual recipients could be grouped and one clearance pattern developed. A composite clearance pattern for a group of programs will be applied separately to each program in the group when scheduling drawdowns or calculating interest; or

(3) Develop a clearance pattern on another basis that is approved and agreed upon by the Secretary.

(d) *Standards for clearance patterns.* A State shall ensure that clearance patterns are auditable and accurately represent the flow of Federal funds. The methodology used to develop clearance patterns must result in a reliable representation of a program's clearance activity throughout the Fiscal Year. An Authorized State Official shall certify that a clearance pattern corresponds to the program's clearance activity. The State/Federal Agreement set forth in § 205.6 must specify the methodology and standards the State will use to develop clearance patterns.

(e) *Maintaining clearance patterns.* Clearance patterns shall be re-certified by an Authorized State Official at least every 5 years. If a State has actual or constructive knowledge, at any time, that a clearance pattern no longer corresponds to a program's clearance activity, or if a program undergoes operational changes that may affect clearance activity, the State shall:

(1) Immediately notify the Secretary in writing of the program or programs requiring a new or modified clearance pattern, and

(2) Develop a new clearance pattern and certify that it meets the requirements of paragraphs (c) and (d) of this section.

(f) *Funding of indirect costs/administrative expenses.* Unless otherwise specified in the State/Federal Agreement, the following applies for the funding of administrative expenses and indirect costs:

(1) For programs with a separate grant award for administrative expenses, a State may either:

(i) Select and apply a separate funding technique for the administrative expenses of a program; or

(ii) Request a prorated amount of the quarterly administrative allowance not earlier than 1 business day prior to the disbursement of salary and wage payments under the payroll system of the department administering the program. For example, a State may request:

(A) One-third of the quarterly administrative allowance if payroll is monthly;

(B) One-sixth of the quarterly administrative allowance if payroll is semi-monthly;

(C) A prorated amount of the quarterly administrative allowance if payroll is bi-weekly or weekly.

(2) For programs where an indirect cost rate is applied, a State's drawdowns may include the proportionate share of the indirect cost allowance by applying the indirect cost rate to the appropriate direct costs included in the drawdown.

(3) For programs where a portion of the program grant may be used for indirect costs/administrative expenses, a State's drawdowns may include a proportionate share of indirect costs or administrative expenses, up to any programmatic limitations or the amount of the grant award.

(4) If a State applies a separate funding technique for administrative expenses as provided in paragraph (f)(1)(i) of this section, interest liabilities will accrue in accordance with the interest provision of this Subpart.

(5) No interest liabilities will be incurred on the transfer of funds for administrative expenses or indirect costs if a State applies the funding conventions in paragraphs (f)(1)(ii), (f)(2) or (f)(3) of this section.

§ 205.5 Requesting and Transferring Funds.

(a) *Electronic funds transfer.* To increase the speed and efficiency of funds transfers, to eliminate float, and to reduce interest liabilities, it is the Secretary's goal that beginning Janaury 1, 1985, Federal agencies will use EFT for all transfers of funds to States. Prior to this date, Federal agencies shall use EFT to the maximum extent practicable. States shall use EFT to make payments to Federal agencies for disallowances, refunds and other payments to the maximum extent practicable.

(b) *Minimizing the time between transfer and payment.* State and Federal agencies shall minimize the time elapsing between the transfer of funds from the United States Treasury and the settlement of EFT payments or the presentment of checks at State banks. For advance funding programs Federal

agencies and States shall adhere to the following procedures for each funding technique:

(1) *Zero balance accounting.* A State shall request funds prior to a cutoff time the same day it pays out funds for program purposes, and a Federal agency shall deposit funds in a State account the same day it receives a request for funds.

(2) *Estimated clearance.* A State shall request funds prior to a cutoff time 1 business day before it expects to pay out funds, in accordance with the clearance pattern developed by the State, and a Federal agency shall deposit funds in a State account the next business day after receiving a request for funds.

(3) *Average clearance.* A State request funds prior to a cutoff time 1 business day prior to the dollar-weighted average number of days required for EFT payments to be settled and for checks to be presented at State banks, and a Federal agency shall deposit funds in a State account the next business day after receiving a request for funds.

(4) *Pre-issuance funding.* A State shall request funds not earlier than 3 business days before the day on which it issues checks or initiates EFT payments, unless the State can justify, and the Secretary agrees to, an interval longer than 3 business days. A Federal agency shall deposit funds in a State account the next business day after receiving a request for funds.

§ 205.6 State/Federal Agreements.

Each State is strongly encouraged to enter into a written Agreement with the Secretary which sets forth the terms and conditions for implementing the requirements of this Subpart. If no such Agreement has been signed by October 24, 1992, the funds transfer procedures set forth in paragraph (i) of this section apply until an Agreement is executed and effective. An authorized representative(s) of the Secretary and an Authorized State Official(s) shall approve and sign the Agreement.

(a) *Purpose.* The purpose of the Agreement is to set forth the terms and conditions for using sound cash management practices in the transfer of funds between the Federal Government and the States.

(b) *Listing of covered entities.* The Agreement will include a list identifying entities considered to be agencies, instrumentalities, and fiscal agents of the State for purposes of this Subpart. The United States Bureau of the Census definition of a State will be used as the initial basis for determining the entities to be included in this list.

(c) *Listing of all covered programs.* The Agreement must include a list identifying all programs subject to this Subpart, and a listing of all major Federal assistance programs. This list will be modified as needed to incorporate new programs qualifying as major Federal assistance programs.

(d) *Selection, review and approval of funding techniques.* A State shall select funding techniques subject to the approval and agreement of the Secretary. The Agreement will include a section that identifies the funding technique for each program subject to this Subpart. A State shall not at any time unilaterally change or deviate from an agreed upon funding technqiue.

(e) *Method for calculating and documenting interest.* The Agreement must specify the method to be used for calculating and documenting interest payments and clearance patterns pursuant to the provisions of §§ 205.9 through 205.11 and § 205.4.

(f) *Costs.* The Agreement will clearly describe, and include a budget for, project direct costs for which the State may be reimbursed. These costs are subject to the provisions of § 205.12.

(g) *Expiration of the Agreement.* A State/Federal Agreement executed pursuant to this Subpart shall not be effective for more than five years.

(h) *Interim Agreements.* A State may enter into an Interim Agreement with the Secretary covering the period from October 24, 1992, to June 30, 1993.

(1) An Interim Agreement must specify the funds transfer procedures and the method for determining interest liabilities for the programs subject to this Subpart that are set forth in § 205.3(a).

(2) All Interim Agreements executed pursuant to this section shall expire on June 30, 1993. Beginning July 1, 1993, a State shall either comply with a State/Federal Agreement or comply with the default provisions set forth in paragraph (i) of this section.

(i) *Default procedures for States without Agreements.* Any State that does not have, at any time, an Interim Agreement or a State/Federal Agreement with the Secretary is subject to the following rules:

(1) Wherever practicable, funds transfers shall be made through a Zero Balance Accounting or Estimated Clearance funding technique.

(2) If there exists a Federal requirement or mandate that precludes usage of the mechanisms cited in paragraph (i)(1) of this section, then the Federal agency and the State, subject to approval by the Secretary, shall arrange for the transfer of funds to be made in accordance with such requirements and all applicable provisions of this Subpart.

(3) If it is not practicable for a State to use the techniques cited in paragraph (i)(1) of this section, the State shall propose to the Secretary an alternative, citing all relevant impediments, including but not limited to constitutional or statutory proscriptions.

(4) The State is encouraged to submit to the Secretary a proposal outlining a plan for entering into an Agreement. The proposal will identify the impediments to signing an Agreement, and will serve as a basis for further discussions and cooperative efforts aimed at reaching a mutually acceptable Agreement.

§ 205.7 Federal agency responsibilities.

The heads of Federal agencies disbursing funds to States shall be responsible for the following:

(a) Designating an official representative to serve as a lead contact for coordinating dealings with States and the Treasury that are related to this Subpart. The name of such representative shall be forwarded in writing to the Secretary by [Insert date 30 days after the effective date of the Final Rule]. If a Federal agency fails to notify the Secretary as indicated, then the Federal agency's Chief Financial Officer shall be considered the appropriate contact until written notification stating otherwise is received by the Secretary.

(b) Providing advice on the proposed provisions of the State/Federal Agreement if so requested by the Secretary.

(c) Ensuring that disbursements are:

(1) In accordance with the methods agreed to in the State/Federal Agreements for those States that have entered into such Agreements, or

(2) In accordance with the rules set forth in this Subpart for States with which there is no Agreement.

(d) Transferring only the immediate funds required by a State for carrying out approved programs and projects.

(e) Developing and maintaining the necessary systems and procedures required for making funds transfer through EFT.

(f) Allowing States to submit requests for funds, or bills, on a daily basis, for both advance funding and Federally mandated reimbursable funding programs. This requirement shall not be construed to change Federal agency guidelines defining a properly completed and submitted request for funds, or bill. The Secretary, in cases of repeated noncompliance with this requirement, shall collect from a Federal agency all, or a portion, of the interest liability

incurred by the Federal Government due to the Federal agency's noncompliance, notwithstanding § 205.15(b). A Federal agency may request a waiver of payment of the interest charge, contingent upon the agency providing the Secretary with justification. From October 24, 1992, to June 30, 1993, this paragraph applies only to programs listed in § 205.3(a). Thereafter, this paragraph applies only to major Federal assistance programs.

(g) Paying State claims in accordance with the procedures established for funding techniques, as set forth in § 205.5.

(h) Reviewing the interest report submitted by the States for reasonableness, whenever requested by the Secretary. This may include comparing the report with agency records and determining whether or not the State is in compliance with this Subpart. The Annual Report will be available upon Federal agency request.

(i) Developing, maintaining, updating and certifying clearance patterns for programs where the Federal Government makes payment on behalf of States. The clearance pattern will conform to the standards established for State clearance patterns in § 205.4.

(j) Supplying each State with interest calculations and other data needed to complete the Annual Report for programs where the Federal agency makes payment on behalf of States, no later than December 31 for the State's most recently completed Fiscal Year.

(k) Making available to a State, the Secretary, the Comptroller General and the Federal agency's Inspector General, upon 30 days written notice, all records related to both the Federal agency's computation of interest due under paragraphs (h), (i), and (j) of this section, and the Federal agency's accounting for State program funds under this section. The Federal agency shall allow the above listed parties to verify the accuracy and reasonableness of its clearance patterns, interest calculations and its accounting for Federal program funds.

(l) Executing grant awards to States on a timely basis, consistent with program purposes and regulations of the Director, OMB, to assure the availability of funds and to preclude Federal interest liabilities.

§ 205.8 State responsibilities.

States receiving Federal funds regulated by this subpart shall be responsible for the following:

(a) Designating an official representative to serve as a lead contact person for coordinating dealings with the Secretary and other Federal agencies regarding the requirements of this Subpart. The name of such representative shall be forwarded in writing to the Secretary no later than [Insert date 30 days after the effective date of the Final Rule]. If a State fails to notify the Secretary as indicated, then the State's Chief Financial Officer(s) (or closest equivalent, as determined by the FMS) shall be the contact until written notification stating otherwise is received by the Secretary.

(b) Entering into negotiations with the Secretary concerning the establishment of a State/Federal Agreement as described in § 205.6.

(c) Ensuring that requests for Federal funds are:

(1) In accordance with the techniques agreed to in the State/Federal Agreements for those States that have entered into such Agreements; or

(2) In accordance with the rules set forth in this Subpart for States with which there is no Agreement.

(d) Drawing down only funds immediately required for carrying out approved programs and projects.

(e) Submitting requests for funds under Federally mandated reimbursable funding programs on a timely basis.

(f) Developing and maintaining necessary procedures that enable the State, its internal agencies, financial institution(s) and other fiscal agents to utilize EFT with respect to transfers with the Federal Government.

(g) Accounting for funds made available to the State as Federal Government funds in the accounts of the State. Neither this requirement, nor anything else in this subpart, will be interpreted so as to require a State to deposit funds received by it from the Federal Government in a separate bank account.

(h) Coordinating with the appropriate Federal agency the repayment of refunds of Federal funds. In accordance with Federal agency procedures or direction, the State shall:

(1) At the earliest practicable time, return such refunds to the Federal agencies administering the Federal program for which the disbursements were originally made; or

(2) Deduct the amount of such refunds from the amounts which would otherwise be subsequently disbursed to the State for such programs from the administering Federal agencies.

(i) Accounting for all interest that accrues as a result of disallowances, refunds, and other non-routine transactions. The calculation and reporting of such interest shall be performed as required under §§ 205.10 through 205.13.

(j) Developing, maintaining, updating and certifying clearance patterns for Federal funds as described under § 205.4.

(k) Calculating interest payable to and due from the Federal Government, as required under §§ 205.11 and 205.13.

(l) Maintaining separate, formal accounting records for direct costs.

(m) Ensuring that monitoring and accounting procedures are sufficient to permit the tracking of funds to the level of expenditure sufficient to verify interest liabilities for each Federal program.

(n) Retaining all records supporting interest calculations and clearance patterns for a period of 5 years from the end of the State Fiscal Year for which they were calculated, or until any applicable dispute is resolved, whichever period is longer, unless notified in writing by the Secretary to extend the retention period.

(o) Submitting an Annual Report as prescribed in § 205.13.

(p) Exchanging the aggregate net interest payable to or due or from the Federal Government, on an annual basis as prescribed under § 205.14.

(q) Making available to the Secretary, the head of a Federal agency, its Inspector General or the Comptroller General, upon 30 days written notice, all records related to the State's computation of interest and its accounting for Federal funds under this section. The State shall allow the above listed parties to verify the accuracy of its clearance patterns, interest calculations, direct cost claims and its accounting for Federal funds.

(r) Establishing procedures to minimize the time elapsing between the transfer of funds to a non-State subrecipient and the time those funds are paid out by such subrecipient.

§ 205.9 Federal interest liabilities.

(a) *General.* A State shall be entitled to interest from the Federal Government if it pays out its own funds for program purposes with valid authorization, appropriation, and obligational authority under Federal law, Federal regulation, or Federal-State agreement. The Federal Government shall incur an interest liability from the day a State pays out its own funds for program purposes to the day Federal funds are credited to a State account, subject to the following conditions and limitations.

(1) *Failure to request funds.* If a State fails to request funds in accordance with the procedures established for its funding techniques, as set forth in § 205.5(b) or in a State/Federal Agreement, the State shall not be

entitled to interest from the Federal Government for any period prior to the day a Federal agency receives a request for funds.

(2) *Discretionary grant programs.* A State shall not be entitled to interest if it pays out its own funds prior to the day a Federal agency officially notifies the State in writing that a discretionary grant project has been approved, notwithstanding any other provision in this section.

(3) *Supplemental grants.* Except as provided in paragraph (c)(2) of this section, a State shall not be entitled to interest if it pays out its own funds prior to the day a Federal agency officially notifies the State in writing of a supplemental grant award.

(4) *Federal-aid highway programs.* For programs and projects funded out of the Federal Highway Trust Fund, no Federal interest liability will accrue prior to the day the Federal Highway Administration receives a request for funds.

(b) *Late appropriations.* If a State pays out its own funds due to delay in passage of a Federal appropriations act, the State will be entitled to interest if an appropriations act, as enacted, covers the time period of the State's expenditure and permits payment for expenses already incurred by the State.

(c) *Lack of obligational authority.* If a State pays out its own funds for program purposes without receiving obligational authority from the grantor Federal agency, the State will be entitled to interest if obligational authority is explicitly given to the State retroactively to cover the day on which the State made its expenditure. This case includes, but is not limited to, the following situations:

(1) *Delays in award notifications.* If a State pays out its own funds due to a delay in receiving official notification of a quarterly or annual grant award from a Federal agency, the State will be entitled to interest only if the grant award covers the time period during which the State made its expenditure.

(2) *Supplemental grants for entitlement programs.* If a State pays out its own funds prior to the day a Federal agency officially notifies the State in writing of a supplemental grant award for an open-ended entitlement program, the State will be entitled to interest only if the supplemental grant award covers the time period during which the State made its expenditure.

(d) *Forward funding.* A State will not be entitled to interest if it pays out its own funds in anticipation of receiving funds that have been authorized or appropriated for a future Fiscal Year.

(e) *Exhausted appropriations under appropriated entitlements.* If a State pays out its own funds due to exhausted appropriations under an appropriated entitlement program, the State will be entitled to interest only if appropriation and obligational authority are explicitly provided retroactively to cover the day on which the State made its expenditure.

(f) *Disbursements on behalf of a State.* For programs in which the Federal Government makes payments on behalf of a State, such as Supplemental Security Income, a State will be entitled to interest from the Federal Government if State funds are in a Federal agency's account prior to the day the Federal agency pays out the funds for program purposes. The Federal Government will incur an interest liability from the day State funds are credited to the Federal agency's account to the day the Federal agency pays out the State funds for program purposes.

§ 205.10 State interest liabilities.

(a) *General.* The Federal Government will be entitled to interest from a State if Federal funds are in State accounts prior to the day the State pays out the funds for program purposes, except as provided in § 205.4(f). The State will incur an interest liability from the day Federal funds are credited to a State account to the day the State pays out the Federal funds for program purposes.

(b) *Refunds.* For each refund transaction of Federal program funds, a State will incur an interest liability from the day the refund is credited to a State account to the day the refunds are either paid out for program purposes or credited to a Federal agency's account.

(c) *Disallowances.* If a Federal agency disallows a State expenditure of Federal funds, the State will incur an interest liability from either the day the State paid out funds in connection with the disallowance or the day the State drew down funds in connection with the disallowance, whichever is later, to the day funds are credited to the Federal agency's account. If the date of drawdown or expenditure cannot be determined, the State will incur an interest liability from the median day of the quarter during which the State drew down funds in connection with the disallowance.

(d) *Payments on behalf of a State.* For programs in which the Federal Government makes payments on behalf of a State, the Federal Government will be entitiled to interest from a State if it pays out Federal funds for program purposes on behalf of the State. The State will incur an interest liability from the day the Federal Government pays out the Federal funds for program purposes to the day State funds are credited to the Federal Government's account. However, no State interest liability will accrue prior to the day the State receives a request for funds.

(e) *Exception.* A State will not owe the Federal Government interest as set forth in this section if Federal law prescribes that interest earned on Federal funds must be used for program purposes.

§ 205.11 Interest calculation.

(a) *State.* States shall track and calculate interest liabilities owed to and due from the Federal Government in accordance with this section. States shall calculate interest liabilities for each program subject to this Subpart.

(b) *Federal.* A Federal agency shall track and calculate interest liabilities for all programs subject to this Subpart for which the Federal agency makes payments on behalf of States.

(c) *Trust funds.* States shall separately track and calculate interest owed to or due from each trust fund for which the Secretary is trustee, and where appropriate, each trust fund account.

(d) *Onset.* Interest will begin accruing October 24, 1992. The first computation period will be from October 24, 1992 to the end of each State's Fiscal Year. Thereafter, a State shall track and calculate interest for its Fiscal Year.

(e) *Interest rate.* The interest rate will be the annualized rate equal to the average equivalent yields of 13-week Treasury Bill auctioned during the period of the State's Fiscal Year. The Secretary will provide the rate to each State.

(f) *Interest calculation methodolgy.* The State/Federal Agreement set forth in § 205.6 will specify a State's interest calculation methodology. The methodology must be auditable and result in an interest calculation which accurately reflects the period of time Federal funds are subject to the provisions of this Subpart.

(g) *Sampling drawdowns for interest calculations.* If a State samples drawdowns when calculating interest, it must do so separately for each program subject to this Subpart. States may either include every drawdown or randomly sample drawdowns to ensure, at minimum, a 95 percent confidence interval subject to a .3 "weighted day" bound of error estimate. See appendix B to subpart A of this part for further explanation.

(h) *Unemployment trust funds.* A State shall account for the actual interest earned less related banking costs on

funds drawn from its account in the UTF.

(i) *Alternate interest calculation methodology.* A State that does not have an Agreement with the Secretary, as set forth in § 205.6, shall calculate interest in accordance with appendix B to subpart A of this part.

§ 205.12 Direct costs of implementation.

(a) *Definition.* Direct costs of implementing this Subpart are those costs necessary for the development and maintenance of clearance patterns and those costs necessary for the actual calculation of interest payments.

(1) The State/Federal Agreement set forth in § 205.6 will clearly describe, and include a projected budget of, the direct costs a State expects to incur.

(2) Direct costs do not include expenses incurred for upgrading or modernizing of account systems.

(b) *Reimbursement of direct costs.* A State will be compensated annually for the direct costs of implementation, subject to the following rules and conditions:

(1) Only States that have entered into an Agreement with the Secretary as set forth in § 205.6 may receive any credit for direct costs.

(2) The Secretary will not consider direct costs incurred prior to July 22, 1991, unless a State makes separate application to the Secretary, with justification and documentation, for any such costs.

(3) Direct costs in excess of $30,000 in any year will not be eligible for reimbursement, unless a State can justify to the Secretary that without such costs the State would be unable to develop clearance patterns or perform the actual calculation of interest.

(4) The State must maintain separate, formal accounting records that support its claim for direct costs.

(5) The State must submit a claim for direct costs, certified for accuracy by an Authorized State Official, as part of its Annual Report. No direct costs for prior years will be considered.

(6) The Secretary shall review all direct cost claims for reasonableness. Unreasonable cost claims, as determined by the Secretary, shall not be reimbursed. The Secretary will notify a State of the amount of reasonable direct costs to be reimbursed.

(7) The Secretary will score each State's direct costs against the total interest owed by all States for the combined non-trust fund programs, to the extent possible. The Secretary will subsequently reduce State interest liabilities and, to the extent possible, adjust Federal interest liabilities, prior to offsetting the two, to effect direct cost reimbursement for each State.

(c) Direct costs of implementation, as defined in paragraph (a) of this section, will not be included for consideration by the State in the development of its Statewide cost allocation plan as provided for in OMB Circular A–87 "Cost Principles for State and Local Governments." Any other costs incurred by a State to implement this Subpart will be subject to the procedures provided in OMB Circular A–87.

(d) *Sunset review.* By July 1, 1996, the Secretary will review the policies in this section to determine their effectiveness.

§ 205.13 Annual reports.

(a) A State shall submit by December 31 an Annual Report for its most recently completed Fiscal Year. The Annual Report will be submitted to the FMS both in hard copy and on computer diskette, or by other electronic means as prescribed by the FMS, and will, at a minimum, contain the following:

(1) Gross interest owed by the Federal Government to the State for each program, excluding interest on overturned disallowances, refunds and other non-routine transactions.

(2) Gross interest owed by the State to the Federal Government for each program, excluding interest owed on disallowances, refunds, and non-routine transactions.

(3) Gross interest owed by the State to the Federal Government on disallowances, refunds, and other non-routine transactions.

(4) Gross interest owed by the Federal Government to the State on overturned disallowances, refunds and other non-routine transactions.

(5) Net interest owed by the State or Federal Government for each program.

(6) Gross interest owed by the Federal Government to the State for each trust fund.

(7) Gross interest owed by the State to the Federal Government for each trust fund.

(8) Net interest owed by the State or Federal Government for each trust fund.

(9) Gross interest owed by the Federal Government to the State for the combined non-trust fund programs.

(10) Gross interest owed by the State to the Federal Government for the combined non-trust fund programs.

(11) Net total interest owed by the State or Federal Government for the combined non-trust fund programs.

(12) Actual interest earnings on funds drawn from the State's account in the UTF.

(13) Related banking costs on funds drawn from the State's account in the UTF.

(14) Actual interest earnings less related banking costs on fund drawn from the State's account in the UTF.

(15) Gross interest owed by the Federal Government to the State for the combined programs for each Federal agency.

(16) Gross interest owed by the State to the Federal Government for the combined programs for each Federal agency.

(17) Net interest owed by the State or Federal Government for the combined programs for each Federal agency.

(18) Gross interest owed by the Federal Government to the State.

(19) Gross interest owed by the State to the Federal Government.

(20) Total net interest owed by the State or Federal Government.

(b) A State with a State/Federal Agreement shall submit as part of the Annual Report its claim for the reimbursement of direct costs, in accordance with § 205.12. An Authorized State Official shall certify the claim for accuracy.

(c) An Authorized State Official shall certify the hard copy of the Annual Report for accuracy.

(d) Upon request from a Federal agency, the FMS shall make available for review a State's Annual Report.

§ 205.14 Interest payment.

(a) *Adjusted interest.* Interest owed by a State to the Federal Government and interest owed by the Federal Government to a State for the combined non-trust fund programs will be adjusted by the Secretary, to the extent possible, to effect direct cost reimbursement.

(b) *Net interest payment.* Total interest owed by a State to the Federal Government and total interest owed by the Federal Government to a State for all programs, adjusted for cost reimbursement, will be offset. The payment of net total interest to or from a State for its most recently completed Fiscal Year will occur no later than March 1.

(c) *Disputed amounts.* If the amount of interest payable is disputed pursuant to § 205.16, payment shall be of any undisputed portions. The interest in dispute shall be paid within 14 days of receipt of the decision by an FMS official, as set forth in § 205.16.

(d) *Electronic funds transfer.* Interest payments must be made by EFT.

§ 205.15 Compliance.

(a) *Audits.* All records and documents relating to the transfer of funds, interest calculations, clearance patterns, and direct costs are subject to audit pursuant to the Single Audit Act of 1984, 31 U.S.C.

7501–7507, OMB Circular A–128, "Audits of State and Local Governments," OMB Circular A–133, "Audits of Institutions of Higher Education and other Non-Profit Institutions," the Comptroller General's "Standards for Audit of Governmental Organizations, Programs, Activities and Functions" and the American Institute of Certified Public Accountants audit and accounting guide, "Audits of State and Local Government Units."

(b) *Remedies for federal agency noncompliance.* If a Federal agency materially fails to comply with any of the requirements of this Subpart, the Secretary may charge the agency an amount equal to the cost to the General Fund of the Treasury caused by such noncompliance. In such cases, the Secretary will send a formal Notice of Assessment to an agency's designated cash management official. A separate notice will be sent for each charge. The Notice of Assessment will include, at a minimum, the nature of the deficiency, the amount of the charge, the method of calculation, the date the charge will be imposed and notice of the right to file an appeal. Any charges assessed by the Secretary shall be paid to the maximum extent practicable out of appropriations available for executive agency operations, and shall not be paid from amounts available for funding programs of an executive agency. Charges assessed on an agency that would otherwise cause the agency to be in violation of the Anti-Deficiency Act, 31 U.S.C. 1341, will be deferred to the following Fiscal Year. If no payment has been transferred to the Treasury after 45 calendar days of the date of the Notice of Assessment, the FMS will debit the appropriate account automatically. Nothing under this regulation eliminates or reduces an agency's existing responsibility to minimize cash held by grantees.

(1) *Assessment of a charge for noncompliance.* It is the intent of the Secretary to assess a charge on an agency only in cases of egregious or repeated noncompliance where such noncompliance results in the payment of interest from the General Fund of the Treasury. Such a situation exists where a Federal agency demonstrates a pattern of paying a State or States late.

(2) *Interest from other than federal agency noncompliance.* The accrual of a Federal interest liability will not constitute Federal agency noncompliance if such interest results from circumstances beyond the control of the Federal agency, such as a delay in passage of a Federal appropriations act.

(c) *Remedies for state noncompliance.* If a State egregiously or repeatedly fails to comply with any of the requirements of this Subpart, the Secretary may take one or more of the following actions, as appropriate in the circumstances:

(1) Request a Federal agency or the General Accounting Office to conduct an audit, to determine interest owed to the Federal Government, and implement procedures to recover such interest; or

(2) Disallow all or part of the direct costs the State claims for reimbursement; or

(3) Take other remedies legally available.

§ 205.16 Appeals and dispute resolution.

(a) *Appeal by a Federal agency.* A Federal agency may appeal any charge assessed by the Secretary for noncompliance by submitting an appeal in writing to the Assistant Commissioner, Federal Finance (hereinafter Assistant Commissioner), of the FMS, within 45 calendar days of the date of the Notice of Assessment. The appeal shall include a concise factual statement of the conditions leading to the Notice of Assessment, the basis of the appeal, and the action requested by the agency. In the event of an appeal, the charge imposed under the Notice of Assessment will be deferred pending the results of the appeal.

(1) *Appeal review process.* The Assistant Commissioner shall review the Notice of Assessment, any documentation supporting the Notice, and the written appeal from the agency. If based on this review, the Assistant Commissioner finds that additional information is required, the Assistant Commissioner may request the agency and the FMS to meet with the Assistant Commissioner and others selected by the Assistant Commissioner, as part of the review process.

(2) *Decision.* A written decision will be rendered by the Assistant Commissioner within 30 calendar days of receipt of the appeal. the Assistant Commissioner may unilaterally extend this period for an additional 30 calendar days if required. The decision of the Assistant Commissioner whether to uphold the Notice of Assessment, to overturn the Notice, or to mandate some other action will be stated in the written decision. Other actions mandated may include a reduced charge, a deferral of the charge, an alternate solution to cash management improvement, or any combination thereof. The basis of the decision, the amount of the charge and the effective date of the charge will be stated in the written decision. The effective date of the charge may be retroactive to the date indicated in the Notice of Assessment.

(b) *Resolution of disputes between a federal agency and a State.* In the event of a dispute between a Federal agency and a State concerning matters covered under CMIA or this Subpart, including a dispute between the Treasury and a State concerning the reimbursement of direct costs authorized in the State/Federal Agreement, the following dispute resolution mechanism will be available:

(1) The aggrieved party may submit a written appeal to the Assistant Commissioner within 60 calendar days from the date the State submits its Annual Report. The aggrieved party shall concurrently serve a copy of the written appeal to the other concerned parties.

(2) Within 30 days of the submission of the written appeal, the aggreived party shall submit to the FMS a written statement not exceeding 15 pages, with supporting documentation in appendices, which will articulate the dispute, the aggrieved party's position, and the relief sought. The aggrieved party shall concurrently serve its statement upon the other concerned parties.

(3) Within 30 days of receipt of the aggrieved party's statement, the responding party may submit a response statement not exceeding 15 pages, with supporting documentation in appendices, to the Assistant Commissioner. The responding party shall concurrently serve its response statement to the other concerned parties.

(4) The Assistant Commissioner shall issue a written decision no later than 14 days after the period for the submission of the response statement. The Assistant Commissioner's decision shall be the final agency action on the part of the Secretary for the purposes of judicial review procedures under the Administrative Procedures Act, 5 U.S.C. 701–706, unless either party invokes the provisions of the Administrative Dispute Resolution Act of 1990, 5 U.S.C. 581–593 (hereinafter the ADRA), pursuant to paragraphs (b)(5), (b)(6) and (b)(7) of this section.

(5) If either party does not agree with the decision of the Assistant Commissioner, either party may seek to invoke the assistance of a neutral party appointed under the provisions of the ADRA within 30 days of receipt of the appeal official's written decision. The party invoking the ADRA shall notify both the FMS official and the responding party in writing. With the written mutual consent of the parties, a neutral party appointed under the provisions of the ADRA may assist in resolving the dispute through the use of alternate

means of dispute resolution as defined in the ADRA.

(6) If the party invoking the ADRA is unable to reach a satisfactory resolution of the problem using the ADRA, the Assistant Commissioner's decision shall be the final agency action on the part of the Secretary for purposes of the judicial review procedures under the Administrative Procedure Act, 5 U.S.C. 701–706.

Appendix A to Subpart A or Part 205—Definition of Major Federal Assistance Program

Major Federal Assistance Program, for State governments having Federal assistance expenditures between $100,000 and $100,000,000 means any program for which Federal expenditures during the applicable year exceed the larger of $300,000 or 3 percent of such total expenditures. Where total expenditures during the applicable year exceed $100,000,000, the following criteria apply:

Total expenditure of federal financial assistance for all programs		Major federal assistance program means any program that exceeds
More than	But less than	
$100 million	$1 billion	$3 million
1 billion	2 billion	4 million
2 billion	3 billion	7 million
3 billion	4 billion	10 million
4 billion	5 billion	13 million
5 billion	6 billion	16 million
6 billion	7 billion	19 million
over 7 billion		20 million

Appendix B to Subpart A of Part 205—Alternate Interest Calculation Methodology

(a) A State not entering into a State/Federal Agreement shall apply this section's interest calculation methodology to all major Federal Assistance Programs as specified in § 205.3.

(b) States shall refer to Table A: Weighted Program Interest Days, and Table B: Program Interest Calculation and apply the following methodology:

1. *Sampling drawdowns and sample population.* For each program subject to this Subpart, States may either include every drawdown or randomly sample drawdowns to ensure, at minimum, a 95 percent confidence interval no wider than plus-or-minus .3 "weighted day" about the estimated mean.

2. *Calculating weighted program interest days.* "Weighted Program Interest Days" is calculated according to the format established in Table A: Weighted Program Interest Days.

TABLE A.—WEIGHTED PROGRAM INTEREST DAYS

Program	Drawdown amount	Percent of total drawdowns	×	Interest days		=	Weighted days	
				Fed (+)	State (−)		Fed (+)	State (−)
Drawdown 1	$		×				oi0 =	
Drawdown 2			×				oi0 =	
Drawdown 3			×				oi0 =	
Drawdown N			×				oi0 =	
Totals		100					WPID	

where:

Program = Those programs subject to the provisions of this Subpart.

Drawdown Amount = Amount of Federal funds provided for a single drawdown request.

Percent of Total Drawdowns = The ratio of each "Drawdown Amount" to the total of all drawdown amounts expressed as a percentage. This is calculated by dividing each "Drawdown Amount" by the total of all sampled drawdowns.

Interest Days = The period of time during which an interest liability accrues under this regulation, expressed as days and fractions of days.

Fed (+) = Those interest days during which a State incurs an interest liability to the Federal Government. The positive (+) sign denotes that Federal funds were transferred prior to the day the State paid out funds for progrm purposes.

State (−) = Those interest days during which the Federal Government incurs an interest liability to a State. The negative (−) sign indicates that the Federal Government transferred funds after the State paid out its own funds.

Weighted Days = Dollar weighted number of days during which Federal and State interest liabilities accrue. "Weighted Days" is calculated by multiplying "Percent of Total Drawdowns" by either Federal or State "Interest Days". The result is recorded in the corresponding "Weighted Days" column.

Weighted Program Interest Days = Dollar weighted number of days (WPID) during which Federal and State interest liabilities accrue. "WPID" is determined by summing each "Weighted Days" column.

3. *Calculating program interest.* Program Interest is determined according to the methodology established in Table B: Program Interest Calculation.

TABLE B.—PROGRAM INTEREST CALCULATION

Program	Amount	×	i/365	×	WPID		=	Program interest		Net
					Fed (+)	State (−)		Fed (+)	State (−)	
Program 1	$	×	i/365	×			=			
Program 2		×	i/365	×			=			
Program 3		×	i/365	×			=			
Program Z		×	i/365	×			=			
Total										

where:

Program = Those programs subject to the provisions of this Act.

Amount = Total amount of Federal funds provided for a specific program.

i = Average annualized interest rate for the 13 week Treasury Bills auctions during a State's Fiscal Year.

Program Interest = Interest payable to or due from the Federal Government. A negative value denotes a Federal interest liability to a State. A positive value indicates a State interest liability to the Federal Government.

"Program Interest" is calculated by multiplying the program "Amount" by the interest rate "i" and dividing by 365 days. This product is next multiplied by both "Fed (+) WPID" and logged in the "Fed (+) Program Interest" column, and "State (−) WPID" and recorded in the "State (−) Program Interest" column.

Net = The interest liability due to or from the Federal Government. "Net" is calculated by subtracting "State Program Interest" from "Federal Program Interest" amounts. Positive values indicate an interest liability owed to the Federal Government, negative values represent a Federal Government interest liability due to a State.

(c) *Program interest calculation example.* For example, assume a State has only five programs (Medicaid, Aid for Families with Dependent Children, Highway Construction, Job Training Partnership Act, and Alcohol Abuse) that are subject to the reporting requirements of this Act. The State uses the Estimated Clearance method when drawing down Federal funds.

Interest calculation is a two step process. The State must first determine the number of Federal and State Interest Days each program has incurred. From this, each program's interest liability is calculated.

1. Calculation of Weighted Program Interest Days

Sample size. Rather than determine "Interest Days" for every drawdown made in a program, a State may randomly sample sufficient drawdowns to meet or exceed a 95 percent confidence interval plus-or-minus .3 "weighted days."

TABLE C.—WEIGHTED PROGRAM INTEREST DAYS EXAMPLE

Medicare	Drawdown amount	Percent of total drawdowns	×	Interest days		=	Weighted days	
				Fed (+)	State (−)		Fed (+)	State (−)
Drawdown 1	$3,000,000	1.0	×	0		=	0	
Drawdown 2	4,500,000	1.5	×	1		=	.02	
Drawdown 3	4,800,000	1.6	×		1	=		.02
Drawdown 4	3,700,000	1.2	×		2	=		.02
Drawdown 5	6,000,000	2.0	×	3		=	.06	
Totals	300,000,000	100.00				WPID	.08	.04

Percentage of total drawdowns. Each sampled drawdown is divided by the total amount of all sampled drawdowns. Thus, Drawdown 1 equals $3,000,000 or 1 percent of all sampled drawdowns.

Interest days. Rather than detail each sampled drawdown in Table C: Weighted Program Interest Days Example, only five are shown for illustrative purposes. "Interest Days" for each drawdown not shown is 0. Sampled drawdown amounts total $300,000,000. Federal and State interest days are calculated separately.

For Drawdown 1, zero "Interest Days" accrued—the Federal Government's transfer of $3,000,000 coincided with the settlement of those funds. A 1 Day Federal interest charge indicates that Federal funds where requested 1 day to soon, while a 1 Day State interest liability identifies a Federal transfer made one day late.

Weighted days. "Weighted Days" is derived by multiplying the "Percentage of Total Drawdowns" by either Federal or State "Interest Days". For Drawdown 5, 2.0 percent is multiplied by 3 "Federal Interest Days". The product, .06, is entered into the Federal "Weighted Days" column. The same is done for each sampled drawdown.

WPID. Federal and State WPID's are the sum of each "Weighted Days" column. Therefore, Federal WPID's equal .08 days while State WPID's equal .04 days.

The above is repeated separately for each program.

2. Program Interest Calculation

Refer to Table D: Program Interest Calculation Example. For each program, the total amount of program funds drawn down during the year (not the total sampled amount), is multiplied by the yearly interest rate and divided by 365. The result is then multiplied by both the Federal and State "WPID's" and recorded in the corresponding "Program Interest" columns.

TABLE D.—PROGRAM INTEREST CALCULATION EXAMPLE

Program	Amount	×	i/365	×	WPID		=	Program Interest		Net
					Fed (+)	State (−)		Fed (+)	State (−)	
Medicaid	3,000,000,000	×	.06/365	×	.08	.04	=	39,452	19,726	19,726
AFDC	2,500,000,000	×	.06/365	×	1.00	1.90	=	410,959	780,822	(369,863)
Highway Const	1,000,000,000	×	.06/365	×	1.60	.40	=	263,014	65,753	197,261
JTPA	450,000,000	×	.06/365	×	.88	.13	=	65,096	9,616	55,480
Alcohol Abuse	200,000,000	×	.06/365	×	.18	.21	=	5,918	6,904	(986)
Total	7,150,000,000				3.74	2.68		784,439	882,821	(98,382)

For Medicaid, $300,000,000 is multiplied by .06, divided by 365, then multiplied by .08 WPID to equal $39,452. This amount is recorded in the "Federal Program Interest" column. Likewise, the "State Program Interest liability" is calculated resulting in a $19,726 charge. The net amount, $39,452 minus $19,726, or $19,726 is the States' Medicare interest liability to the Federal Government. The same steps are repeated for each remaining program. The total net amount in this example is $98,382 owed to the State by the Federal Government.

Subpart B—The Unemployment Trust Fund (UTF)

§ 205.21 Purpose and scope.

This subpart implements section 5(b) of CMIA relating to the Unemployment Trust Fund (UTF). The definitions and rules in subpart A of this part apply to the UTF unless they are inconsistent with the rules set forth in this subpart.

§ 205.22 Definitions.

The following definitions apply only to this subpart:

Benefit payment account means the account which will consist of all moneys requisitioned from the State's account in

the UTF in the Treasury of the United States for the payment of unemployment benefits. Funds withdrawn from the UTF are considered part of the benefit payment account until actually paid out, i.e., to settle EFT payments or to redeem benefit checks.

Clearing account means a State depository account into which employer contributions and other moneys for the UTF are deposited before transfer to the UTF.

Collateralization means the pledging of a security intended to guarantee the safety of unemployment funds outside the UTF (e.g., the benefit payment account).

Earnings means the income or profit secured from investment.

Insurance means protection provided by the Federal Deposit Insurance Corporation (FDIC).

Investments means the placing of capital or laying out of money in a way intended to secure income or profit from its employment.

Overnight means from prior to a financial institution's close of business one day to after its opening of business the next business day (counting Saturdays, Sundays and holidays as separate interest earning days).

Related banking costs means stand-alone, non-credit services which are considered necessary and/or customary for sustaining an account in a financial institution, whether in commercial financial institutions or State Treasurer accounts. Investment service fees are not considered related banking costs and may not be paid with earnings on unemployment funds.

§ 205.23 Limitation on withdrawals.

(a) *Limitation on uses of UTF funds.* In accordance with section 303(a)(5) of the Social Security Act (SSA), 42 U.S.C. 503(a) and Section 3304(a)(4) of the Federal Unemployment Tax Act (FUTA), 26 U.S.C. 3304(a)(3), funds withdrawn from the UTF must be used only for the payment of unemployment benefits, exclusive of the cost of administration.

(b) *Minimizing account balances.* To maximize the security and integrity of unemployment funds, balances in State accounts outside the UTF must be minimized. The DOL will maintain unemployment fund cash management performance measures which will monitor State clearing and benefit payment account balances to assure minimization of account balances.

(c) *Residual daily balances.* Residual daily closing balances must be employed for the benefit of the State account in the UTF through accumulation of interest earnings in interest-bearing accounts, generation of earnings credit to offset financial institution charges for maintenance of State benefit payment accounts, and/or earnings generated by overnight investment (see § 205.24).

§ 205.24 Limitation of investment.

(a) For the purpose of this regulation, investment is defined as a short term use of daily residual balances of unemployment funds in State benefit payment accounts as principal to generate interest earnings. Earnings credits provided by financial institutions on residual balances are also considered investment, although no hard dollar earnings are realized. Those earnings credit must be used to offset financial institution service charges for the custodian of the account.

(b) *Security and liquidity.* Security and liquidity of funds invested is mandatory. Investment of funds withdrawn by a State from its account in the UTF is limited to:

(1) Interest bearing accounts in financial institutions, e.g., Negotiable Order of Withdrawal (NOW) accounts. All funds withdrawn from the State's account in the UTF must be in FDIC insured accounts and/or collateralized for full principal and interest accrued. State/Federal Agreements executed under this regulation will specify insurance and collateralization requirements for each State; or

(2) Overnight reverse repurchase agreements of U.S. Government securities or securities backed by or insured by the full faith of the U.S. Government. Brokers/dealers for the reverse repurchase agreements comprising unemployment funds must be fully subject to and in compliance with Treasury regulations issued under the Government Securities Act of 1986, 31 U.S.C. 3121, 9110, and the reverse repurchase agreement must conform in substance to Public Securities Association master repurchase agreement.

§ 205.25 State held UTF funds.

(a) *Payment for services rendered by State treasurers.* State Treasurers who manage unemployment funds and provide bank services for benefit payment accounts may be paid for the related banking costs of such services. The related banking costs that are attributable to funds withdrawn from the State's account in the UTF may be paid from earnings on funds withdrawn from the State's account on deposit in State Treasurer accounts. The related banking cost are limited to State banking expenses exclusive of administrative costs.

(b) *Earnings on State treasurer investment pools.* Earnings on funds withdrawn from the State's account in the UTF included in State Treasurer investment pools must be credited a pro-rata share of interest earnings of the pool. Trust fund money withdrawn from the State's account in the UTF will only be invested as specified in § 205.24.

§ 205.26 Separate Bank Accounts.

(a) *Separation of State Clearing accounts.* Notwithstanding § 205.8(f), for the purpose of unemployment trust funds, State clearing accounts (incoming funds) must be separate from benefit payment accounts, although they may reside at the same or separate financial institution.

(b) *Tracking and accounting for UTF funds.* All State unemployment funds must be identifiable at all times, separately and completely accounted for, so that all types and volumes of transactions can be tracked as they flow through the State bank accounts. Moneys withdrawn from the State's account, the Federal Employees Compensation Account (FECA), the Extended Unemployment Compensation Account (EUCA), and the Federal Unemployment Account (FUA) in the UTF may be deposited into the same benefit payment account. Separate tracking, accounting, and record keeping must be maintained for these commingled funds from the source in the UTF through redemption of the payment instrument. Related banking costs and actual interest earnings on funds withdrawn from the State's account in the UTF must be allocated reasonably according to the appropriate source of funds.

(c) *Earnings on fund withdrawn from the State's account in the UTF.* Amounts of interest paid by a State on funds withdrawn from its account in the UTF will consist of actual interest earnings less related banking costs.

(d) *Interest on funds withdrawn from the FECA and EUCA accounts.* The provision for the payment of related banking costs does not apply to moneys withdrawn from the FECA, EUCA, and FUA accounts. Moneys withdrawn from the FECA and EUCA accounts are subject to the interest provisions applicable to all other Federal accounts, i.e. the interest rate will be the annualized rate equal to the average equivalent yields of 13-week Treasury Bills auctioned during the period of the State's Fiscal Year, as specified in § 205.11(d).

§ 205.27 Annual payment of interest.

Earnings and interest owed by a State on funds withdrawn from the UTF will be netted with interest owed to the State from the Federal Government and other trust funds, on an annual basis. Amounts owed to each account in the trust fund will be credited through an intragovernmental balancing. Actual earnings less related banking costs on amounts originating in the State's account in the UTF shall be returned to the State's account in the UTF. Interest charges on amounts originating in the FECA and EUCA will be returned to such accounts.

Subpart C—Other Recipients

§ 205.31 Purpose and scope.

The rules set forth in this Subpart apply to all transfers of Federal funds for:

(a) Federal programs that are administered by non-State recipients and non-State subrecipients, including non-State subrecipients receiving Federal funds through a State;

(b) Federal programs administered by a State, including State subrecipients, that are under the dollar threshold for classification as a major Federal assistance program, or are otherwise outside the Scope of subpart A of this part.

Vendor payments on Federal contracts subject to the provisions of the Prompt Payment Act of 1982, as amended, 31 U.S.C. 3901–3906, OMB Circular A–125, and the implementing regulation found at 48 CFR part 32, are not subject to this subpart.

§ 205.32 Definitions.

The following definition applies solely to this subpart:

Working capital advance basis means the procedure whereby funds are advanced to the recipient to cover its estimated funding needs for a given initial period. Thereafter, the recipient is reimbursed for the amount of its actual cash expenditures. The amount of the initial advance shall be geared to the reimbursement cycle so that after the initial period the payments are approximately equal to the average amount of the recipient organization's unreimbursed payments.

§ 205.33 General.

(a) Transfers of Federal funds to a recipient shall be limited to be in accord only with the actual, immediate funds requirements of the recipient in carrying out the purposes of the program or project. The timing and amount of a transfer will be as close as is administratively feasible to the actual disbursements by the recipient for direct program costs and the proportionate share of any allowable indirect costs, whether disbursement by the recipient occurs prior to or after the transfer of funds from the Treasury. It is the goal of the Secretary that within 3 years of the date of enactment of this regulation, all transfers of Federal funds to primary recipients shall be made through EFT, unless circumstances make transfer through an electronic means impracticable.

(b) Transfers from a primary recipient to a subrecipient will conform substantially to the same standards of timing and amount as set forth in the preceding paragraph for transfers from Federal agencies to primary recipients. Federal program agencies shall require primary recipients to develop procedures whereby secondary recipients can obtain funds from the primary recipient as needed for pay out.

(c) When a recipient demonstrates an unwillingness or inability to establish procedures that will minimize the time elapsing between transfer from the Treasury and disbursement for program purposes, the Federal program agency, unless prohibited by the statutes governing the program(s) in question, shall terminate any advance financing and shall require the recipient to finance its operations with its own working capital, making payments to such recipient on a reimbursement basis. In cases in which the reimbursement methods is not feasible, arrangements may be made whereby the operations of the recipient are financed on a working capital advance basis.

(d) Each Federal program agency shall be responsible for:

(1) Making such reviews of the financial practices of recipients, both primary and sub, as are necessary to ensure that the provisions of this Subpart are being compiled with; and

(2) Instituting such remedial measures as may be necessary in the event that the recipient demonstrates its unwillingness or inability to comply with these provisions. Federal program agencies shall formulate procedural instructions which specify the methods employed to carry out these responsibilities.

(e) Interest earned on Federal funds will be treated in accordance with the administrative requirements under the appropriate OMB Circulars.

Russell D. Morris,

Commissioner.

[FR Doc. 92–6574 Filed 3–20–92; 8:45 am]

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S.J. Res. 176/P.L. 102-257

To designate March 19, 1992, as "National Women in Agriculture Day". (Mar. 17, 1992; 106 Stat. 75; 1 page) Price: $1.00

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1000-End	(869-013-00052-8)	19.00	Jan. 1, 1991
17 Parts:			
1-199	(869-013-00054-4)	15.00	Apr. 1, 1991
200-239	(869-013-00055-2)	16.00	Apr. 1, 1991
240-End	(869-013-00056-1)	23.00	Apr. 1, 1991
18 Parts:			
1-149	(869-013-00057-9)	15.00	Apr. 1, 1991
150-279	(869-013-00058-7)	15.00	Apr. 1, 1991
280-399	(869-013-00059-5)	13.00	Apr. 1, 1991
400-End	(869-013-00060-9)	9.00	Apr. 1, 1991
19 Parts:			
1-199	(869-013-00061-7)	28.00	Apr. 1, 1991
200-End	(869-013-00062-5)	9.50	Apr. 1, 1991
20 Parts:			
1-399	(869-013-00063-3)	16.00	Apr. 1, 1991
400-499	(869-013-00064-1)	25.00	Apr. 1, 1991
500-End	(869-013-00065-0)	21.00	Apr. 1, 1991
21 Parts:			
1-99	(869-013-00066-8)	12.00	Apr. 1, 1991
100-169	(869-013-00067-6)	13.00	Apr. 1, 1991
170-199	(869-013-00068-4)	17.00	Apr. 1, 1991
200-299	(869-013-00069-2)	5.50	Apr. 1, 1991
300-499	(869-013-00070-6)	28.00	Apr. 1, 1991
500-599	(869-013-00071-4)	20.00	Apr. 1, 1991
600-799	(869-013-00072-2)	7.00	Apr. 1, 1991
800-1299	(869-013-00073-1)	18.00	Apr. 1, 1991
1300-End	(869-013-00074-9)	7.50	Apr. 1, 1991
22 Parts:			
1-299	(869-013-00075-7)	25.00	Apr. 1, 1991
300-End	(869-013-00076-5)	18.00	Apr. 1, 1991
23	(869-013-00077-3)	17.00	Apr. 1, 1991
24 Parts:			
0-199	(869-013-00078-1)	25.00	Apr. 1, 1991
200-499	(869-013-00079-0)	27.00	Apr. 1, 1991
500-699	(869-013-00080-3)	13.00	Apr. 1, 1991
700-1699	(869-013-00081-1)	26.00	Apr. 1, 1991
1700-End	(869-013-00082-0)	13.00	[5] Apr. 1, 1990
25	(869-013-00083-8)	25.00	Apr. 1, 1991
26 Parts:			
§§ 1.0-1-1.60	(869-013-00084-6)	17.00	Apr. 1, 1991
§§ 1.61-1.169	(869-013-00085-4)	28.00	Apr. 1, 1991
§§ 1.170-1.300	(869-013-00086-2)	18.00	Apr. 1, 1991
§§ 1.301-1.400	(869-013-00087-1)	17.00	Apr. 1, 1991
§§ 1.401-1.500	(869-013-00088-9)	30.00	Apr. 1, 1991
§§ 1.501-1.640	(869-013-00089-7)	16.00	Apr. 1, 1991
§§ 1.641-1.850	(869-013-00090-1)	19.00	[5] Apr. 1, 1990
§§ 1.851-1.907	(869-013-00091-9)	20.00	Apr. 1, 1991
§§ 1.908-1.1000	(869-013-00092-7)	22.00	Apr. 1, 1991
§§ 1.1001-1.1400	(869-013-00093-5)	18.00	[5] Apr. 1, 1990
§§ 1.1401-End	(869-013-00094-3)	24.00	Apr. 1, 1991
2-29	(869-013-00095-1)	21.00	Apr. 1, 1991
30-39	(869-013-00096-0)	14.00	Apr. 1, 1991
40-49	(869-013-00097-8)	11.00	Apr. 1, 1991
50-299	(869-013-00098-6)	15.00	Apr. 1, 1991
300-499	(869-013-00099-4)	17.00	Apr. 1, 1991
500-599	(869-013-00100-1)	6.00	[5] Apr. 1, 1990

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600-End	(869-013-00101-0)	6.50	Apr. 1, 1991
27 Parts:			
1-199	(869-013-00102-8)	29.00	Apr. 1, 1991
200-End	(869-013-00103-6)	11.00	Apr. 1, 1991
28	(869-013-00104-4)	28.00	July 1, 1991
29 Parts:			
0-99	(869-013-00105-2)	18.00	July 1, 1991
100-499	(869-013-00106-1)	7.50	July 1, 1991
500-899	(869-013-00107-9)	27.00	July 1, 1991
900-1899	(869-013-00108-7)	12.00	July 1, 1991
1900-1910 (§§ 1901.1 to 1910.999)	(869-013-00109-5)	24.00	July 1, 1991
1910 (§§ 1910.1000 to end)	(869-013-00110-9)	14.00	July 1, 1991
1911-1925	(869-013-00111-7)	9.00	[6] July 1, 1989
1926	(869-013-00112-5)	12.00	July 1, 1991
1927-End	(869-013-00113-3)	25.00	July 1, 1991
30 Parts:			
1-199	(869-013-00114-1)	22.00	July 1, 1991
200-699	(869-013-00115-0)	15.00	July 1, 1991
700-End	(869-013-00116-8)	21.00	July 1, 1991
31 Parts:			
0-199	(869-013-00117-6)	15.00	July 1, 1991
200-End	(869-013-00118-4)	20.00	July 1, 1991
32 Parts:			
1-39, Vol. I		15.00	[2] July 1, 1984
1-39, Vol. II		19.00	[2] July 1, 1984
1-39, Vol. III		18.00	[2] July 1, 1984
1-189	(869-013-00119-2)	25.00	July 1, 1991
190-399	(869-013-00120-6)	29.00	July 1, 1991
400-629	(869-013-00121-4)	26.00	July 1, 1991
630-699	(869-013-00122-2)	14.00	July 1, 1991
700-799	(869-013-00123-1)	17.00	July 1, 1991
800-End	(869-013-00124-9)	18.00	July 1, 1991
33 Parts:			
1-124	(869-013-00125-7)	15.00	July 1, 1991
125-199	(869-013-00126-5)	18.00	July 1, 1991
200-End	(869-013-00127-3)	20.00	July 1, 1991
34 Parts:			
1-299	(869-013-00128-1)	24.00	July 1, 1991
300-399	(869-013-00129-0)	14.00	July 1, 1991
400-End	(869-013-00130-3)	26.00	July 1, 1991
35	(869-013-00131-1)	10.00	July 1, 1991
36 Parts:			
1-199	(869-013-00132-0)	13.00	July 1, 1991
200-End	(869-013-00133-8)	26.00	July 1, 1991
37	(869-013-00134-6)	15.00	July 1, 1991
38 Parts:			
0-17	(869-013-00135-4)	24.00	July 1, 1991
18-End	(869-013-00136-2)	22.00	July 1, 1991
39	(869-013-00137-1)	14.00	July 1, 1991
40 Parts:			
1-51	(869-013-00138-9)	27.00	July 1, 1991
52	(869-013-00139-7)	28.00	July 1, 1991
53-60	(869-013-00140-1)	31.00	July 1, 1991
61-80	(869-013-00141-9)	14.00	July 1, 1991
81-85	(869-013-00142-7)	11.00	July 1, 1991
86-99	(869-013-00143-5)	29.00	July 1, 1991
100-149	(869-013-00144-3)	30.00	July 1, 1991
150-189	(869-013-00145-1)	20.00	July 1, 1991
190-259	(869-013-00146-0)	13.00	July 1, 1991
260-299	(869-013-00147-8)	31.00	July 1, 1991
300-399	(869-013-00148-6)	13.00	July 1, 1991
400-424	(869-013-00149-4)	23.00	July 1, 1991
425-699	(869-013-00150-8)	23.00	[6] July 1, 1989
700-789	(869-013-00151-6)	20.00	July 1, 1991
790-End	(869-013-00152-4)	22.00	July 1, 1991

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41 Chapters:			
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1, 1-11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
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7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
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1-100	(869-013-00153-2)	8.50	[7] July 1, 1990
101	(869-013-00154-1)	22.00	July 1, 1991
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42 Parts:			
1-60	(869-013-00157-5)	17.00	Oct. 1, 1991
61-399	(869-013-00158-3)	5.50	Oct. 1, 1991
400-429	(869-013-00159-1)	21.00	Oct. 1, 1991
430-End	(869-013-00160-5)	26.00	Oct. 1, 1991
43 Parts:			
1-999	(869-013-00161-3)	20.00	Oct. 1, 1991
1000-3999	(869-013-00162-1)	26.00	Oct. 1, 1991
4000-End	(869-013-00163-0)	12.00	Oct. 1, 1991
44	(869-013-00164-8)	22.00	Oct. 1, 1991
45 Parts:			
1-199	(869-013-00165-6)	18.00	Oct. 1, 1991
200-499	(869-013-00166-4)	12.00	Oct. 1, 1991
500-1199	(869-013-00167-2)	26.00	Oct. 1, 1991
1200-End	(869-013-00168-1)	19.00	Oct. 1, 1991
46 Parts:			
1-40	(869-013-00169-9)	15.00	Oct. 1, 1991
41-69	(869-013-00170-2)	14.00	Oct. 1, 1991
70-89	(869-013-00171-1)	7.00	Oct. 1, 1991
90-139	(869-013-00172-9)	12.00	Oct. 1, 1991
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166-199	(869-013-00175-3)	14.00	Oct. 1, 1991
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500-End	(869-013-00177-0)	11.00	Oct. 1, 1991
47 Parts:			
0-19	(869-013-00178-8)	19.00	Oct. 1, 1991
20-39	(869-013-00179-6)	19.00	Oct. 1, 1991
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70-79	(869-013-00181-8)	18.00	Oct. 1, 1991
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48 Chapters:			
1 (Parts 1-51)	(869-013-00183-4)	31.00	Oct. 1, 1991
1 (Parts 52-99)	(869-013-00184-2)	19.00	Oct. 1, 1991
*2 (Parts 201-251)	(869-013-00185-1)	13.00	Dec. 31, 1991
2 (Parts 252-299)	(869-013-00186-9)	10.00	Dec. 31, 1991
3-6	(869-013-00187-7)	19.00	Oct. 1, 1991
7-14	(869-013-00188-5)	26.00	Oct. 1, 1991
15-End	(869-013-00189-3)	30.00	Oct. 1, 1991
49 Parts:			
1-99	(869-013-00190-7)	20.00	Oct. 1, 1991
100-177	(869-011-00191-2)	27.00	Oct. 1, 1990
*178-199	(869-013-00192-3)	17.00	Dec. 31, 1991
200-399	(869-013-00193-1)	22.00	Oct. 1, 1991
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1000-1199	(869-013-00195-8)	17.00	Oct. 1, 1991
1200-End	(869-013-00196-6)	19.00	Oct. 1, 1991
50 Parts:			
1-199	(869-013-00197-4)	21.00	Oct. 1, 1991
200-599	(869-013-00198-2)	17.00	Oct. 1, 1991
600-End	(869-013-00199-1)	17.00	Oct. 1, 1991
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[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period Jan. 1, 1987 to Dec. 31, 1991. The CFR volume issued January 1, 1987, should be retained.

[5] No amendments to this volume were promulgated during the period Apr. 1, 1990 to Mar. 31, 1991. The CFR volume issued April 1, 1990, should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1989 to June 30, 1991. The CFR volume issued July 1, 1989, should be retained.

[7] No amendments to this volume were promulgated during the period July 1, 1990 to June 30, 1991. The CFR volume issued July 1, 1990, should be retained.

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